SENATE—*Tuesday, January 26, 1988*

The Senate met at 11 a.m., and was called to order by the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious God, omniscient and omnipotent, there is never a time when Your wisdom—Your truth is not needed in our lives. Forgive us when we refuse to believe or ignore or reject the cosmic resource we have in Your divine guidance. May the practical instruction of the Proverbs find its way into our minds and hearts as this final session of the Senate begins.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3:5-6.

We thank You, Father, that Your counsel teaches us, not to be unthinking, but to look to You to illuminate our thinking. It has to be difficult if not impossible for the Senate to conduct business as usual with two national conventions—a Presidential election—and control of the White House and Senate at issue. Grant to the leadership, membership, and staffs of the Senate the awareness of the availability of God's wisdom and strength in the most pragmatic political matters and the most practical circumstances of life. God of love, demonstrate to everyone who labors in the Senate that the infinite provisions of deity are relevant, available, awaiting our acceptance and use. In His name who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 26, 1988.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD C. SHELBY, a Senator from the State of Alabama, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SHELBY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, I hope that the Senate will be able to proceed to the consideration of the Grove City legislation today. The distinguished Republican leader and I have discussed this. He has indicated that he will do whatever he can on his side to get permission for the Senate to proceed to the consideration of this bill, without any debate on the motion to proceed hopefully. If we could do this, then we can get off to a good week's work.

I had also indicated to the Republican leader and to the Senate on the record yesterday that I would not make this motion prior to the conferences, and I did this because, when I made the statement, I had no knowledge of what the weather would be like today. I felt that there might be difficulty, with a storm upon us almost, in some of our Members being able to get to the Senate today early enough to make any votes. And so I indicated then that we would not have votes before 2 o'clock.

Happily, the weather has turned out better, but I still have my word. It is on the record, and it will be kept.

I do hope that we can proceed, though, at 2 o'clock with this legislation. It is needed. It lifts the horizons of everyone, and it gets us back on the track of where we were before this administration. It deals specifically with discrimination in education, in sex; we are talking about the handicapped, the elderly, women, and race, but it is nothing new. It just puts it back where we were before. And I hope that we can pass this legislation. It is common sense. It is not ideology. It makes good, common sense. When I say it will lift everybody's horizons, that is what we are talking about.

Mr. President, I reserve the remainder of my time.

RESERVATION OF THE REPUBLICAN LEADER'S TIME

Mr. BYRD. I ask unanimous consent that the time of the Republican leader be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed 30 minutes with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin is recognized.

MISSION OF ARMS CONTROL: TO STRENGTHEN NUCLEAR DETERRENCE.

Mr. PROXMIRE. Mr. President, why do we need arms control? Why? Think about that for a long minute. This Senator firmly believes in arms control. But why can't we simply rely on the force that has kept the peace for the past 42 years? Why can't we rely on mutual, nuclear deterrence? Now let's not kid ourselves. Arms control has had almost nothing to do with the fact that we have not had war in Europe since 1945—the longest period of European peace in centuries. We have peace between the superpowers not because of arms control treaties. We have it because both sides recognize that the other would surely have the capability if attacked to rely with a nuclear counterattack that would be absolutely devastating. We have peace because both sides fully understand that any war between the Soviet Union and the United States would almost certainly become a nuclear war. And both sides know that such a war would leave only two utterly devastated losers. President Reagan and Secretary Gorbachev have both said there would be no winners in a nuclear war. Both have said that a nucelar war must never be fought.

So we have had more than 40 years of superpower peace and we can expect to have 40 more or 400 more for this one simple overwhelming reason: War would mean a double suicide. But can arms control contribute nothing to sustaining this peace based on deterrence? Mr. President, the fact

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

is that arms control has in fact contributed greatly to the peace we have enjoyed for four decades and it is essential if we are to continue to live in a peaceful world. To date the most significant arms control treaty has been the Antiballistic Missile Treaty. The ABM Treaty has contributed to peace by reinforcing the credibility of the deterrent of both superpowers. Consider briefly the history of the ABM Treaty. In the 1960's the Soviets were pushing hard to develop an antimissile system. Russia has a very long tradition of stressing defense in their military forces. So they took the initiative in developing an ABM system that was the forerunner of our SDI. Our Presidents and Defense Secretaries in both Democratic and Republican administrations vigorously opposed the Soviet antimissile or SDI push. We served notice on the Soviet Union that if they persisted in their SDI project it would threaten the credibility of our nuclear deterrent and we would go all out with all our technological and economic strength to build offensive missiles that would overwhelm it. The Soviets finally recognized the United States could and would build an irresistible offensive nuclear force. So they agreed to the U.S.-drafted and championed ABM arms control treaty. That treaty has a single purpose: To kill the Soviet SDI in order to preserve the credibility of the deterrent of each superpower and in doing so to continue the full and mutual understanding that a U.S.-U.S.S.R. war would be a total disaster for both sides. So arms control in the form of the ABM Treaty helped keep the peace by maintaining the mutual nuclear deterrent.

The INF Arms Control Treaty makes a different kind of contribution to the maintenance of peace. First the INF contribution is not in the reduction or elimination of nuclear missiles. That represents a minor element. The real contribution of INF is in its advancement of verification of compliance for arms control agreements between the two superpowers. What is the first complaint the distinguished Senators who oppose the INF Treaty raise in connection with this treaty or any arms control treaty with the Soviet Union? The answer always comes through loud and clear. The opponents charge that the Soviets cannot be trusted. They will violate the treaty. Arms control opponents go on to charge that any compliance by the United States will be unilateral and amount to unilateral disarmament. Mr. President, this Senator does not question the proposition that any sovereign country is likely to cheat if its leaders think they can get away with it and if the cheating is construed by its leaders as in the interest of that country. This is why verification is so important. And it is exactly why the provisions of the INF Treaty are so encouraging.

Here's what the INF provides in verification: First the destruction of Soviet missiles will be witnessed by our own experts. Second experts will constantly observe the exits from the Soviet nuclear missile assembly plants. Any egress from these plants by Soviet-produced missiles will be validated by our own observers. Third, our observers will have frequent short notice on-the-spot inspection of the Soviet assembly plants. Fourth, and most important literally hundreds of Soviet missile deployment sites will be opened up to inspection by our remarkably advanced satellites.

Mr. President, this system established by the INF Arms Control Treaty provides this country with precisely the kind of thorough verification we need—not only to proceed with the INF Treaty but to go much further. The one way this country can hold down its vast military spending without diminishing our national security is to reach arms control agreements, especially with respect to conventional arms that will enable us to make reductions in our military forces that will be matched by corresponding reductions in Soviet forces. This will permit us to maintain our national security while reducing its crushing burden. It will permit the Soviet Union to do the same. Both nations can gain both in nationwide security and economically.

But once again, Mr. President, the realistic contribution arms control can make to peace is to use arms control not to eliminate nuclear weapons. That is an impossible and counterproductive dream. Arms control's prime contribution to peace is in reinforcing the credibility of the nuclear deterrent of both sides.

ARCHAIC RESTRAINTS OF GLASS-STEAGALL ACT

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the editorials from the Colorado newspapers arguing for repeal of the Glass-Steagall Act be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Denver Rocky Mountain News, Oct. 7, 1987]

BANKS HELD HOSTAGE BY ARCHAIC RESTRAINTS OF GLASS-STEAGALL ACT

An overhaul of U.S. banking law is in order, Senate banking-committee chairman William Proxmire said last week. Colorado Sen. Tim Wirth, who also sits on the panel, seconded the assertion:

The two lawmakers speak sense. The dilemma at issue is the growing competitive weakness of the American banking industry. The remedy is to loosen governmental ties that bind.

The 1933 Glass-Steagall Act, which regulates the industry, long ago outlived its usefulness. In fact, it has become a positive drag on efficiency. Exhibit A: Only a handful of American banks in 1987 are among the world's top 25. In contrast, not that long ago, seven were among the top 10. The consequence of that downward trend is that lucrative business is being diverted to institutions in Europe and Japan.

Glass-Steagall's protective embrace is smothering. While firms such as General Motors and Sears have moved into the financial-services arena, banks are forbidden from branching out in innovative ways—the brokering of stocks and bonds, for instance, and the underwriting of insurance, are off limits.

Moreover, banks can't underwrite commercial paper, mortgage-backed securities, and revenue bonds issued by states, counties and local communities. This prohibition is especially damaging in a period when many firms are issuing securities to raise money instead of going to lenders.

Partly as a result of such restrictions, Proxmire pointed out, the bank share of lending has declined "very sharply" in recent years. More than half of housing loans now are packaged and sold as securities, because they are seen as safer, cheaper and more liquid than mortgages held by banks or S&Ls.

Wirth favors revising Glass-Steagall to fashion a more "rational and logical" system. Proxmire plans to introduce a bill that would allow banks to get into the securities business and brokers to get into banking (while prohibiting mergers between the two kinds of institutions to prevent undue concentration of financial power).

Though their approaches differ somewhat, both lawmakers have the right thrust. Financial institutions have been undergoing dramatic change for years, but outmoded government rules have distorted the course of the industry's evolution. The distortions have hindered progress toward greater productivity and profitability.

Cumbersome regulations have also slowed the development of competition. The banking industry deserves the freedom to be more innovative. Consumers deserve the benefits of increased competition that would flow from increased industry freedom.

[From the Denver Rocky Mountain News, Nov. 30, 1987]

AFTER 54 YEARS, BANKS NEED RELIEF

A customer can go to a general merchandiser, say a Sears Roebuck store, and deposit or withdraw money, buy or sell stocks and bonds and satisfy his need for life, auto and casualty insurance.

The same customer can also deal with a stock brokerage firm, which not only can handle his security business but also offers an interest-paying checking account—a bank-like product.

But when the customer visits his commercial bank branch, he is limited to banking services: savings and checking accounts, certificates of deposit and loans. He cannot buy stocks, insurance or real estate, even if one-stop financial services is convenient and makes sense.

The fact that other industries can compete with banks but banks are barred from the securities industry means that their potential for growth and profitability is limited. Credit the situation to a 54-year-old law.

In 1933, when many banks were failing because of the Depression, Congress passed the Glass-Steagall law, whose purpose was to make banks more secure by keeping them out of the more speculative securities field. The law was a sound response to conditions at the time but is outdated.

All federal banking regulatory bodies, the Federal Reserve Board, the Treasury Department and key senators agree that the banking industry should be able to underwrite corporate and government securities.

Chairman William Proxmire of the Senate Banking Committee and Sen. Jake Garn of Utah, the ranking Republican on the committee, have introduced a bill to repeal Glass-Steagall, and it deserves to become law.

The measure appropriately would erect a wall between a bank holding company's banking and securities subsidiaries. That is necessary to prevent possible underwriting losses from undermining bank deposits, which are guaranteed by the federal government. Few would argue against the need for this separation in light of the recent stock market crash. In any future crash, banks must not be tempted to dip into their deposit reserves to cover speculative shortfalls.

A new study by the House Government Operations Committee states that the underwriting business is dominated by five large Wall Street firms, which market 70% of all domestic corporate debt. Naturally these firms like the status quo and are lobbying to keep banks off their turf.

However, Fed chairman Alan Greenspan says added competition by banks in the securities business would lower financing costs to corporations and state and local governments by between 1% and 3%. That enormous savings is worth going after.

[From the Denver Rocky Mountain News, June 21, 1987]

ANACHRONISTIC BANKING LAWS UNDERMINE HEALTH OF SYSTEM

When a major law controlling an industry is more than 50 years old, you can be sure it's outdated. In fact, outdated is too mild a term in the case of banking.

The Glass-Steagall Act of 1933 is a fossil that is seriously hampering the efficiency of the entire financial services sector—and indirectly, the American economy.

When Glass-Steagall passed, experts sought to separate the commerical securities business from traditional banking in order to avoid a repeat of the Great Depression. Unfortunately, their explanation of the depression was almost certainly wrong. On that basis alone banks now deserve deregulation.

In fact, far more urgent reasons exist to favor an overhaul of the country's banking law. American banks are quickly losing their competitive edge. Only three U.S. banks remain among the world's top 25, whereas seven ranked in the top 10 not too many years ago. The result is they're finding it increasingly difficult to compete with well-capitalized banks from Japan and Europe.

Nor is size the only—or even the major—problem. American banks are hamstrung by restrictions that exist nowhere else in the world. They can't issue commerical paper, for example, even though many businesses increasingly go to that market instead of relying on traditional bank loans.

As a result, banks have lost some of their most reliable customers. A law intended to protect banks from highrisk ventures ironically now serves to siphon off some of their safest business.

Banks would like to expand their activities beyond commerical paper, of course. They point out that brokerage firms and businesses such as Sears, Montgomery Ward and General Motors have surged into a number of financial-service areas that banks are now banned from entering.

Among the possibilities: stock brokerage, the underwriting of insurance and municipal revenue bonds, the operation of mutual funds and even travel agencies.

The question is not whether the financial industry should be allowed to change. It has been changing for years and will continue its transformation in the future.

The real question is whether banks will be allowed a piece of the action. They deserve it—not just for their own health, as important as that is to the nation's economy, but also in the interest of consumers, who would benefit from the heightened competition.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum, and I yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I believe that the minority leadership is down at the White House and at the moment there seem to be no speakers who wish to talk on either side. And we are working toward a possible agreement to take up the Grove City legislation. I think the time is being spent.

I believe I will ask that the Senate stand in recess for 30 minutes, and hopefully by the time the Senate is reconvened we may have some progress to report.

RECESS UNTIL 11:47 A.M.

Mr. BYRD. I, therefore, ask unanimous consent that the Senate stand in recess for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 11:17 a.m., the Senate recessed until 11:47 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GROVE CITY LEGISLATION

Mr. BYRD. Mr. President, as I indicated before the brief recess, efforts were being made to arrive at a judgment that we might be able to proceed to the consideration of the Grove City legislation without any debate on the motion and that hope has come to fruition. The distinguished assistant Republican leader, Mr. SIMPSON, has appeared on the floor, and we have been discussing the matter. I therefore will ask unanimous consent that, at 2 o'clock, when the Senate reconvenes, following the recess for the two conferences, the Senate then proceed to the consideration of the Grove City legislation.

I therefore make that request now. I ask unanimous consent that when the Senate reconvenes following the recess today for the two regular party conferences, circa 2 o'clock p.m., the Senate proceed to the consideration of Calendar Order No. 157, S. 557.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SIMPSON. Mr. President, I do not object and I want to thank the majority leader for his courtesies, as usual, to me. As our majority leader will be unavoidably absent today, and we do on this side of the aisle want to set a tone, as expressed by the President last night, to cooperate, and that can only be done by some very interesting persons—one is the majority leader of the U.S. Senate, the President of the United States, and the Speaker of the House. I hope all three of them will become forthcoming with each other in these coming months so we can be productive. When that does not occur, we do not legislate very well.

So, I thank the majority leader and I may have misfired when I said that I believe Senator DOLE—that was an old twisted view there—I believe I referred to him as the majority leader. Obviously it was a mistake. It will not happen again, I assure you. But I think agreement to go to this, and this has been a contentious issue as the majority leader so knows, but to be able to go to the Grove City issue, I hope, augers well and portends our hope, on this side of the aisle, our wish to cooperate in getting business done.

We do have a lot of business to do and the people of America expect us to do it. We have several who have serious disagreements with this bill as it currently stands but are willing to try amendments, and I would hope and earnestly suggest to the majority leader that we might withhold the filing of cloture for a reasonable time and perhaps the managers will agree to allow some up or down votes on an amendment or two amendments, which are intended to improve the bill. I leave that to the leadership, of course. But I thank the majority

leader and on behalf of the minority leader express that the only way to prove up, on producing in this place, is to begin right now. You have to start, and this is our earnest effort at starting.

With that I certainly withdraw any objection and join in the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader. This is, indeed, cooperation at the start upon the part of the minority, and it does augur well, I think, for this second session of the 100th Congress. There is a lot of work to be done. This year we have the two party conventions and they will necessitate our being out of session for some time in each case. We have the elections in November, and we ought to try to get our work done in time, before the election, for those Senators and Members of the House who have chosen to run for reelection to be able to get out into their respective States and districts and campaign.

It would be well if the Senate and House did not have to return following the elections to complete work that had to be done but was left undone.

So, with the cooperation of the minority I feel confident that we can do this, and I am not suggesting that I would expect the minority to give consent to every bill that I might want to call up. But, in the main there are measures which have to be done before we do adjourn sine die and, for those instances especially, if the minority can give the Senate cooperation we will finish our work. And I would appeal not only to the minority, but to Senators on all sides of the aisle, to cooperate with joint leadership in moving our work along.

We are going to have 3 weeks of session, and 1 week out of session. The 1 week out of session is not giving Senators anything. I am not doing it for the convenience of Senators, to give them a week off. That is not the point and they know that. They have work to do. They have work to do back in their States. They have work to do here. Committee work can go on and it would be unimpeded and uninterrupted by rollcalls and quorum calls.

So, this is a plan which, hopefully, will produce a more effective session, more productive session. It is not 3 weeks, 3 days per week, Tuesday through Thursday; but it is 3 weeks of 5 days per week. If we can have that understanding and Senators will be prepared to get to work early every day, including Mondays and Fridays, and to a reasonably late hour every day, reasonably late—it might be 5 o'clock on a given day or it might be 6 o'clock or that might be 8 o'clock, or in a particular situation it might be later. But we can get our work done.

I thank the distinguished assistant leader and the leader and those on the Republican side who have been agreeable to taking this measure up without a debate. It could consume a considerable length of time if that had not been done, and I do assure the distinguished leader that it is not my plan or my desire or my intention to file cloture on this measure today or as long as we are making reasonable progress. I would like to hope that we can make resasonable progress and dispose of this measure in a reasonable length of time.

If we are doing that, I have no desire to file cloture. I would hope that on the Kennedy nomination, when reported, when it reaches the calendar, we could take that nomination up without undue delay. As far as I am concerned, and I am only talking for myself personnally, we could waive the 2-day rule, take up the nomination, and fill that vacancy. But if we are caught in a cloture situation, we could not take it up except by unanimous consent. I hope that does not give any Senator who might wish to delay this any succor or comfort because he would be putting a roadblock in the way of confirmation of the nomination. I hope we can move to take up the mountain quickly when it is reported to the floor, which I hope will be soon.

I thank the acting minority leader. I am very grateful for this kind of understanding, consideration, and cooperation. It is legislative statesmanship at its best.

Mr. SIMPSON. Mr. President, I thank the majority leader. Let me say that we hope here on our side of the aisle to avoid any creativity with regard to things in dealing with the Kennedy nomination which will be voted on tomorrow in the Judiciary Committee. It should come forward. I would certainly personally want to join and see if we cannot waive the 2-day rule.

Mr. President, I want to take the opportunity in this new session to thank the majority leader for the new schedule, which I know was difficult for all of us to consider. It is certainly of interest and benefit to those of us in the West, Democrats and Republicans alike, who are forced to travel with the schedule we presently have.

This new schedule will enable us in this 1 week to do the Rotary Clubs, the chambers, the town meetings, the Kiwanis, and things that we have to do with regard to our constituents and know that we will not be missing votes, and know, too, that we will have votes on Mondays and Fridays. That word will spread, that every Monday and Friday we will likely have votes.

Mr. President, I do not think any of us will complain about that. That is what we are here for. So I thank the majority leader for that.

Mr. President, I do wish to make a unanimous-consent request, if I might take that up now.

Mr. BYRD. Certainly.

LEAVE OF ABSENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that rule 6, paragraph 2, of the Standing Rules of the Senate, be waived, for Senators WALLOP and MURKOWSKI, for official business, to attend the funeral of President Chiang Ching-kuo, of Taiwan, at the request of the President of the United States.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, Senator BINGAMAN is waiting for recognition. I will just take a minute.

I compliment the acting Republican leader and his colleagues for making this request under rule VI. This is the way it ought to be done. This is the way the rules provide that it be done. When Senators wish to absent themselves from the floor of the Senate for a day or two or three, they really should ask the consent of the Senate. The Senate will give that consent. I daresay that a good many Members do not even know that that rule is there. I do not denigrate the actions of anyone. Perhaps they should know that it is there but it is not observed. I hope we will observe that rule, that Senators who wish to be absent can get excused by the Senate on the record

Mr. President, I will ask unanimous consent that morning business continue.

How long does the distinguished Senator wish to speak?

Mr. BINGAMAN. Not more than 8 minutes.

EXTENSION OF MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended and that Senators may be allowed to speak for not more than 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VOLUNTARY SCHOOL PRAYER ACT

The ACTING PRESIDENT pro tempore. There is a bill at the desk which has been read for the first time. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 2001) to restore the right of voluntary prayer in public schools and to promote the separation of powers.

Mr. SIMPSON. Mr. President, I object and ask that there be no further consideration of that measure at this time.

The ACTING PRESIDENT pro tempore. Objection to further consideration being heard at this time, the bill will be placed on the calendar under rule XIV.

The Senator from New Mexico is recognized.

PRESIDENT REAGAN'S STATE OF THE UNION ADDRESS

Mr. BINGAMAN. Mr. President, last night, President Reagan delivered his final State of the Union Address, and once again he looked back over the past 7 years of his administration through, I fear, rose-colored glasses. Once again he delivered a message to the Nation that avoided or sidestepped a serious confrontation with a problem even he has termed a "national priority."

In one breath the President praised and encouraged a strong national commitment to quality education, but in another, as he has done so often in the past, he sought to undercut congressional efforts to improve our children's education.

President Reagan acknowledged that a creative, competitive America is our only guarantee for a strong and enduring America. Yet he again delivered the message that protecting our Nation's stability through educational excellence was a job better left to someone else—not the Federal Government and certainly not this President.

Although, as he said in his speech last night, "Individuals have the right to reach as far as his or her talents will allow," in President Reagan's agenda, it is the States, localities, and parents who must find the resources to develop and nurture those talents.

The President's goal of reducing the Federal budget deficit is an admirable one, and it is a goal to which I also believe we must strive. But it is time for President Reagan to remove his rose-colored glasses and view this Nation and the world in the proper context. We simply cannot achieve a balanced budget or a "safe and prosperous world for our children" as long as our political system continues to foster an underclass of citizens for whom poverty and the lack of motivation are key components of everyday life.

We no longer live in an isolated environment. Our marketplace is the challenging world of the 21st century, and we simply cannot compete effectively with other nations in that marketplace if we do not address the needs and problems of a growing number of unprepared and undereducated citizens.

If our children cannot read or write—if they lack the crucial skills needed to participate in the work force—then a significant portion of our human assets will be lost. And the loss will not be borne by these children alone. It will be borne by our entire Nation.

A recent estimate of the total lifetime earnings loss from our high school dropouts in 1981 alone is a staggering $228 billion. And nearly $64.4 billion will be lost in tax revenues from those dropouts as well.

What can we do? How can we help our children and turn the ever-increasing class of unprepared youths into motivated, productive members of our society? The answer is simple: Emphasize education.

Indeed, mountains of recorded evidence, including comprehensive studies by President Reagan's own National Commission on Excellence in Education and the Committee for Economic Development, have made clear the fact that quality education, early in life, is a fundamental component in restoring this country's competitiveness. And without the ability to compete, we cannot lead.

Undoubtedly, every Federal dollar spent on education can be a cost-effective investment in our future productivity and competitiveness. But President Reagan consistently has refused to make this investment.

President Reagan's commitment to education is best showcased not in an emotion-charged speech on a snowy winter's night, but on the graphic chart prepared by the nonpartisan Committee for Education Funding.

Mr. President, let me just describe this chart for a moment because I think it correctly depicts the situation that we have faced in the last 8 years. The chart shows education funding levels from fiscal years 1980 through 1988. And there are three lines on this chart. The top line shows the current services starting in 1980 if those services had risen by the Consumer Price Index and had we just maintained the level that we had at that time. The second or middle line shows the actual amounts appropriated by this Congress and approved in bills passed into law.

As you can see, we are at a significantly lower level than we were in 1980 in real spending terms. And the third line, which I think is the crucial one for the point I am making this morning, is the budget request by this President and this administration. You can see from that third line that the President's requests, had they been adopted, would have us today funding education at $14 billion instead of at $21.1 billion as the Congress has approved; not quite half, but approaching half of the level of real spending that we made on education in 1980.

As the chart indicates, this year, under the President's request for fiscal 1988, we would commit only $14 billion. Fortunately Congress saw better, and decided to commit a higher level of spending.

That recommendation is a $5.5 billion—or 28 percent—cut in Federal education programs from the amount Congress fought to secure last year. In nominal dollars, President Reagan's request is $400 million below the level that we invested on education in 1980—or nearly 40 percent below the fiscal year 1980 level after adjusting for inflation.

This attempt to decrease the Federal Government's role in education is nothing new. Since taking office, President Reagan has consistently sought to subvert Congress' efforts to improve the quality of our educational system with Federal funds.

According to the New York Times, President Reagan was willing to spend more on interest payments to foreign investors in 1987 than he was willing to invest in our children's education. In 1987, the Federal Government paid foreign investors nearly $23.5 billion in interest payments. That was 50 percent more than the President recommended we invest in education.

For 7 years this President has submitted to Congress budget requests for education that ignore the strong commitment the American people have made to that crucial issue. He consistently has attempted to thwart the efforts to ensure educational and economic progress that a bipartisan majority in Congress has voted for over the last 7 years.

President Reagan's short-sighted goal of decreasing Federal spending for education under the guise of shifting responsibility to State and local governments, private industry, and individual families, simply ignores the fact that education is a fundamental and essential component in restoring this country's ability to compete.

We must invest wisely in our citizens, especially our children, who are our Nation's future. Any initiative aimed at strengthening our long-term ability to compete must address the needs of all our children, especially those at risk. And to prevent later risks, we must start early.

Strong evidence—the successful completion of high school and college—indicates the important role quality preschool programs play in shaping a child's future. This is where the Federal Government should be. We should be making a serious commitment now to the long-term stability of our Nation.

In the larger scheme of things, the investment I'm advocating is small. Last year, we spent less than $1 for el-

ementary and secondary education of each $100 spent on all functions of the Federal Government. In 1980, we spent $1.10 for every $100. Surely our children are worth at least the level of support we provided to them in 1980.

Thank you, Mr. President.

I yield the floor.

RECESS UNTIL 2 P.M.

Mr. BYRD. Mr. President, has the order been entered for the recess of the Senate to accommodate the two party conferences beginning at 12:45 p.m. today and extending until 2 p.m.?

The ACTING PRESIDENT pro tempore. It has.

Mr. BYRD. I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, at 12:23 p.m. the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. KENNEDY].

CIVIL RIGHTS RESTORATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the consideration of S. 557 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Civil Rights Restoration Act of 1987".

FINDINGS OF CONGRESS

SEC. 2. The Congress finds that—

(1) certain aspects of recent decisions and opinions of the Supreme Court have unduly narrowed or cast doubt upon the broad application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; and

(2) legislative action is necessary to restore the prior consistent and long-standing executive branch interpretation and broad, institution-wide application of those laws as previously administered.

EDUCATION AMENDMENTS AMENDMENT

SEC. 3. Title IX of the Education Amendments of 1972 is amended by adding at the end the following new section:

"INTERPRETATION OF 'PROGRAM OR ACTIVITY'

"SEC. 908. For the purposes of this title, the term 'program or activity' and 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance, except that such term does not include any operation of an entity which is controlled by a religious organization if the application of section 901 to such operation would not be consistent with the religious tenets of such organization.".

REHABILITATION ACT AMENDMENT

SEC. 4. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) by inserting "(a)" after "SEC. 504."; and

(2) by adding at the end the following new subsections:

"(b) For the purposes of this section, the term 'program or activity' means all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.

"(c) Small providers are not required by subsection (a) to make significant structural alterations to their existing facilities for the purpose of assuring program accessibility, if alternative means of providing the services are available. The terms used in this subsection shall be construed with reference to the regulations existing on the date of the enactment of this subsection.".

AGE DISCRIMINATION ACT AMENDMENT

SEC. 5. Section 309 of the Age Discrimination Act of 1975 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting "; and" in lieu thereof; and

(3) by inserting after paragraph (3) the following new paragraph:

"(4) the term 'program or activity' means all of the operations of—

"(A)(i) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(ii) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(B)(i) a college, university, or other postsecondary institution, or a public system of higher education; or

"(ii) a local educational agency (as defined in section 198(a)(10), of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(C)(i) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(I) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(II) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(ii) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(D) any other entity which is established by two or more of the entities described in subparagraph (A), (B), or (C);

any part of which is extended Federal financial assistance.".

CIVIL RIGHTS ACT AMENDMENT

SEC. 6. Title VI of the Civil Rights Act of 1964 is amended by adding at the end the following new section:

"SEC. 606. For the purposes of this title, the term 'program or activity' and the term 'program' mean all of the operations of—

"(1)(A) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or

"(B) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government;

"(2)(A) a college, university, or other postsecondary institution, or a public system of higher education; or

"(B) a local educational agency (as defined in section 198(a)(10) of the Elementary and Secondary Education Act of 1965), system of vocational education, or other school system;

"(3)(A) an entire corporation, partnership, or other private organization, or an entire sole proprietorship—

"(i) if assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

"(ii) which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or

"(B) the entire plant or other comparable, geographically separate facility to which Federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or

"(4) any other entity which is established by two or more of the entities described in paragraph (1), (2), or (3);

any part of which is extended Federal financial assistance.".

RULE OF CONSTRUCTION

SEC. 7. Nothing in the amendments made by this Act shall be construed to extend the application of the Acts so amended to ultimate beneficiaries of Federal financial assistance excluded from coverage before the enactment of this Act.

The PRESIDING OFFICER. The Chair suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today the Senate begins consideration of the Civil Rights Restoration Act, one of the most important civil rights measures in recent years. A broad, bipartisan coalition of 56 Senators is sponsoring the bill. Our goal is to reverse the 1984 Supreme Court decision in Grove City College versus Bell, which permits tax dollars to be spent in support of discrimination.

The moment is ripe for Congress to renew its commitment to civil rights. The historic struggle to secure these rights for all Americans has known both triumph and tragedy.

Over the past 200 years, the American people have worked hard to make the promises of the Constitution a reality for all of our citizens. The harsh fact remains, however, that discrimination still prevents too many of our citizens from enjoying the American dream.

Despite the 1954 Supreme Court decision in Brown versus Board of Education, subsequent predictions about the demise of racial segregation proved grossly premature. Faith in what the Brown case would accomplish swiftly turned to frustration and then cynism. It took inspiration and leadership from Presidents Eisenhower and Kennedy, Martin Luther King Jr., and other great leaders to advance the legislation that has achieved so much in the past two decades.

Twenty-four summers ago, Congress distinguished itself by passing the landmark Civil Rights Act of 1964. In enacting this monumental measure, we initiated a new assault against the injustices which pervaded America's social fabric and political order. One of the most significant components of the 1964 legislation is title VI, which prohibits discrimination based on race, color, or national origin in any "program or activity" which receives Federal aid.

In terms of eradicating racial injustice, the success of title VI surpassed our expectations. Under its impact, many engines of discrimination began grinding to a halt. Faced with the prospect of losing Federal aid, schools, hospitals, and State and local governments had no choice but to dismantle their discriminatory practices. For example, black enrollment in colleges increased by 92 percent in the decade of the 1970's.

Influenced by a new national awareness, Congress in the 1970's grew sensitive to additional groups which suffer from the effects of prejudice and discrimination. In this climate, title VI emerged as a prime model for new initiatives. In 1972, Congress enacted title IX, which prohibits sex discrimination in educational programs or activities receiving Federal aid. In 1973, Congress adopted section 504 of the Rehabilitation Act, which prevents the recipients of Federal funds from discriminating against the disabled. And the Age Discrimination Act of 1975 was written into law to guarantee the same protection for the elderly.

Each of these statutes achieved remarkable results. Under title IX, the participation of women in high school and college athletic activities has soared. And their achievements have soared, too, including the extraordinary successes of American women in the summer and winter Olympic games. Equally impressive is the record for section 504, which has brought disabled citizens into the mainstream of American life by dismantling the barriers to education and employment of the handicapped.

But suddenly, in 1984, much of the progress against discrimination in each of these areas was placed at risk by the decision of the Supreme Court in the Grove City College case. In that case, a divided court interpreted the antidiscrimination language in title IX extremely narrowly. Since the only Federal money reaching the college was in the form of student aid, the Court concluded that only the financial aid office was covered by the law. The rest of the college was left free to deny equal opportunities to women.

The decision affects all of the civil rights statutes which prohibit discrimination in federally funded programs or activities, since each of these statutes is identical to the phrasing which the Supreme Court interpreted in the Grove City case. If this decision is permitted to stand, millions of female, minority, disabled, and senior citizens will be denied simple, basic protections.

Repercussions from the decision proved to be swift and substantial. Within a matter of weeks, the Department of Education's Office of Civil Rights dropped 18 antidiscrimination cases in higher education and 4 cases in elementary and secondary education. To date, 674 pending cases have been closed or suspended by the Department of Education.

Regrettably, our Nation has yet to achieve the goal of full justice for disabled persons. Society is often hostile to those who appear different; therefore, progress is particularly slow in breaking down the prejudices which prevent disabled citizens from enjoying full integration. Section 504 is the only Federal statute which prohibits discrimination against disabled persons in employment. In the aftermath of the Grove City College case, numerous section 504 complaints have been dismissed.

The dramatic progress of the past two decades in desegragating our society would never have been possible if the narrow interpretation of the Supreme Court in the Grove City case had been in effect for the first 20 years after title VI was enacted.

From the beginning, the sponsors of this legislation have stated and restated our intention to do nothing more than restore the status quo which existed before the Supreme Court decision in the Grove City College case. The legislative history of the civil rights laws shows that broad coverage is consistent with the original intent of Congress. That construction has been followed by past Democratic and Republican administrations alike, and it deserves to be restored so that we can keep the faith of the four great statutes that protect the basic rights of millions of Americans to be free from federally subsidized discrimination.

Our goal is clear and our legislation is straightforward. The bill adds no new operative language to the four civil rights laws. It merely adds a definition of "program or activity" which restores the meaning that these terms had prior to the Grove City College decision.

Through this legislation, the 100th Congress can reaffirm its commitment to civil rights. There is no justification for discrimination in programs that receive Federal funds. We have already delayed 4 years in restoring these laws

to their proper strength, and it is time for the delay to end.

Mr. HATCH. Mr. President, it is with regret that I rise in opposition to S. 557 as it is currently drafted. I hope my colleagues understand that my decision to oppose this bill was not reached easily, nor does it evidence any lack of commitment on my part to guaranteeing civil rights for all Americans. Rather, my concerns reflect the view that we can rectify the problems flowing from the decision of the Supreme Court in Grove City versus Bell without imposing and expanding, without limitation, the Federal Government's power over churches, synagogues, private and religious schools, the private sector, and States and localities. Simply labeling a measure a "civil rights" bill does not negate our responsibility to understand its ramifications or draft it carefully.

I hope my colleagues will indulge me as I provide some background on this issue, because it is critical that we understand the current state of the law, and the ramifications of this legislation. I assume that the rhetoric will be quite impassioned during the next few days, but I hope that the following observations will be taken for what they are—legitimate concerns that we do not destroy one set of civil rights in order to guarantee others.

The simple fact is that, unless we address legitimate concerns such as the coverage of churches and synagogues, religious tenets and abortion, S. 557 may never be able to move through the other body.

It will certainly be vetoed by the President, and that veto will be sustained, in my opinion. And for yet another session we will have done nothing to correct the legitimate concerns confronting title IX, or those who believe in title IX; and I happen to be one of them. We could have solved this problem in 1984 had we had a simple overrule of the Grove City case.

This is the political reality that we are facing today. Mr. President, the four statutes amended by this bill prohibit discrimination on certain bases, "any program or activity receiving Federal financial assistance." That is the present state of the law.

Title VI of the Civil Rights Act of 1964 bans discrimination on the basis of race, color, or national origin. Title IX of the Education Amendments Act of 1972 bans discrimination on the basis of sex, but it is limited to education programs or activities receiving Federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 bans discrimination against persons with handicaps; and the Age Discrimination Act of 1975 bans discrimination on the basis of age.

The plain language of these statutes together with their legislative histories demonstrates that Congress always intended the scope of these statutes to be "program specific," as the Supreme Court correctly determined in the Grove City decision. Indeed, the words "program or activity" would appear, by common sense, to mean something less than an entire institution.

Congress has often been criticized for its ambiguity or its mistakes in legislative drafting, but I do not think it made such a wholesale mistake as to expect the entire country to think that the term "program or activity" was a synonym for an entire school, a school system or a State.

Title IX itself makes reference to "an educational institution" and defines the term "educational institution" as broader than a program (20 U.S.C. section 1681(c)). In all honesty we have to admit that Congress knew how to cover an entire institution whenever one part of it received Federal aid, but declined to do so in the antidiscrimination provision of these laws.

Moreover, in section 904 of title IX, Congress prohibited discrimination on the basis of blindness or vision impairment "in any course of study by a recipient of Federal financial assistance for any education program or activity * * *." 10 U.S.C. section 1684. Here, Congress clearly banned discrimination on the basis of blindness throughout the institution by using the word "recipient" in the statute itself—in stark contrast to the more discrete term "program or activity" used in the antisex discrimination provision of title IX and in the other three statutes. Congress clearly knew how to provide institutionwide coverage under these statutes and declined to do so.

Thus, it is important to realize that references by the proponents of S. 557 to the long standing interpretation of these laws are inaccurate. Indeed, while some lower courts did rule that these statutes covered an entire institution whenever any part of the institution received Federal aid, many other Federal courts ruled, as the Supreme Court did, that the statutes were program specific. And, the trend in the lower courts leading to the Grove City decision by the Supreme Court was certainly in that direction. In *Simpson* v. *Reynolds Metals Co.*, 629 F.2d 1226 (7th Cir. 1980), a case brought under section 504 of the Rehabilitation Act before Grove City was decided, the Court said:

> The statute does not, as plaintiff seems to contend, generally forbid discrimination against the handicapped by *recipients* of federal assistance. Instead, its terms apparently require that the discrimination must have some direct or indirect effect on the handicapped person *in the program or activity* receiving federal financial assistance. To be actionable, the discrimination must come *in the operation of the program* or manifest itself in a handicapped individual's exclusion *from the program* or a diminution of the benefits he would otherwise receive *from the program*. 629 F.2d at 1232 (italic supplied).

The Court went on to note that it could find nothing in other parts of the act to show "an intent by Congress that section 504 impose a general requirement upon recipients of Federal grants not to discriminate against handicapped employees who are not involved in a program or activity receiving such assistance." 629 F.2d at 1233. Thus, in Simpson, the court ruled that an employee at one of the defendant's plants could not assert a section 504 claim by virtue of a federally assisted job-training program at the plant because the employee was not a participant in that program. Thus, coverage did not even extend to the entire plant, let alone the entire company.

Likewise, in *Bachman* v. *American Society of Clinical Pathologists*, 577 F. Supp. 1257 (D.N.J. 1983), 1 year before Grove City, the court made an identical finding under a section 504 action:

> It is not enough . . . to show that a person has been discriminated against by a *recipient* of federal funds. Plaintiff must also show that she was subject to discrimination *under the program or activity* for which those funds were received. . . . Section 504 of the Rehabilitation Act imposes a *program-specific* requirement limiting claims brought pursuant to this section to those programs or activities which are federally funded. 577 F. supp. 1262-1263 (emphasis supplied).

Here, a nonprofit medical association received approximately $50,000 in Federal aid to conduct three seminars on alcohol abuse and to publish the proceedings of the seminar. The court ruled that such Federal aid does not subject to coverage the association's board of registry, which develops standards and procedures for entry and promotion in medical laboratories and certifies and registers those who meet competency requirements, including the use of an examination. Had the court ruled otherwise, the standards for certifying clinical pathologists would have been subjected to an equality of result rather than equality of opportunity analysis by Federal agencies and courts.

In *Brown* v. *Sibley*, 650 F.2d 760 (5th Cir. 1981), a case involving a business operated by the state, the Court of Appeals for the fifth circuit held:

> [O]n the basis of the language of section 504 and its legislative history, and on the strength of *analogies to Title VI and Title IX*, we hold that it is not sufficient, for purposes of bringing a discrimination claim under section 504, simply to show that some aspect of the relevant overall entity or enterprise receives or has received some form of input from the federal fisc. A private plaintiff in a section 504 case must show that the *program or activity* with which he or she was involved, or from which he or she was excluded, *itself* received or was directly benefited by federal financial assist-

ance. 650 F.2d at 769 (italic supplied; one footnote omitted).

The court's footnote at the conclusion of the foregoing passage is highly enlightening and particularly relevant to this debate. The court noted:

This burden should be slight. *Contrary to popular belief in certain quarters,* federal financial assistance does not materialize out of thin air. Requests in writing must be submitted by the applicant entity to some federal funding authority with respect to a proposed program or activity. If federal financial assistance is approved for the particular program or activity, it cannot be gainsaid that recordkeeping requirements will be imposed on the entity responsible for the expenditure of the federal funds. *Discovery of the receipt and utilization of those funds with respect to particular programs and activities will be the least of plaintiffs' burdens.* 650 F.2d at 769 (italic supplied).

In Brown, the Mississippi Industries for the Blind received Federal aid for its social services program and for its day care center, but not for its production departments. The court held that the production departments were, therefore, not covered by section 504.

For holdings substantially similar to the ones I have cited, I invite my colleagues to read *Rice* v. *President and Fellows of Harvard College,* 663 F.2d 336 (1st Cir. 1981), cert. denied, 456 U.S. 928 (1982); *Hillsdale College* v. *Department of Health, Education and Welfare,* 696 F.2d 418 (6th Cir. 1982), vacated and remanded in light of *Grove City College* v. *Bell,* 466 U.S. 901 (1984); *Dougherty County School System* v. *Bell,* 694 F.2d 78 (5th Cir. 1982); and *University of Richmond* v. *Bell,* 543 F. Supp. 321 (E.D. Va. 1982).

Even the proponents of S. 557, at page 11 of the report of the Committee on Labor and Human Resources, admit that the trend in case law immediately preceding Grove City favored the program-specific approach.

Despite this great weight of authority, and the persuasiveness and rationale of so many holdings that these statutes are to be program specific, many of us in this Chamber have been willing since the 98th Congress to provide for institutionwide coverage of all educational institutions receiving any Federal aid under all four statutes.

We are prepared to go beyond Congress' original intent in enacting these four laws to address identified, actual concerns. We are not, however, prepared to extend the regulatory hand of the Federal bureaucracy into churches and synagogues, and every other function and activity of the United States without first demonstrating a need for such intrusion.

That is why it will be hotly opposed on the floor.

In other words, we stand ready, willing, and able to resolve the problems created by the Grove City case, even in ways that are far broader than the law was and the laws that were prior to the Grove City case. But we are not willing to just provide another great big Federal intrusion into everything when we have not justified the intrusion. That is what this bill does. Let nobody be deceived. This is just another big Federal bill using the guise of civil rights to do that which they could never do straight up, and that is to impose more Federal Government on everybody in our society with no real basis for doing so.

It is also important to note that in 3 years of hearings in both Houses on Grove City legislation, with few exceptions, the only evidence that Grove City has had an impact on civil rights enforcement is in the area of education. The Labor Committee heard testimony that many agencies, other than the Department of Education, have stated that Grove City has had virtually no impact on their civil rights enforcement program. They have so stated in writing in response to questions from the chairman of the committee, the senior Senator from Massachusetts.

We are prepared to address concerns in the education context and have so for several years. But if there are discrete problems outside the area of education, they should be dealt with by carefully tailored legislation, not by a catch-all bill that expands the overreaching arm of the Federal Government. This is the approach Congress undertook when it passed the Air Carrier Access Act of 1986 (Public Law 99-435), which protects persons with handicaps from discrimination by airlines.

Mr. President, it is not surprising that advocates of this vastly overexpansive bill have had such a difficult time in producing examples outside of education. According to testimony before the Labor Committee, in fiscal year 1963, immediately preceding the adoption of title VI, the first of these statutes, the Federal Government administered somewhat more than 190 Federal aid programs which provided just under $11 billion to public and private entities. In contrast, by conservative estimate in fiscal year 1985, there were nearly 1,400 programs dispensing over $200 billion in Federal aid. Thus, program-specific coverage under these statutes by itself yields significant and broad coverage—but it does so in ways that can be reasonably defined.

It is also important to note that in the last quarter century, a significant and steady increase in the number of civil rights laws provides additional protection to our citizens. For example, title VII forbids discrimination to employment on various bases. Title II of the Civil Rights Act of 1964 forbids discrimination in public accommodations. The Voting Rights Act of 1965 forbids voting discrimination. The Fair Housing Act of 1968 forbids discrimination in housing. The Age Discrimination in Employment Act of 1967 forbids discrimination on the basis of age in employment. There are other similar laws and executive orders, and many more State and local laws protecting the civil rights of Americans.

THE BURDENS OF INCREASED FEDERAL JURISDICTION

The proponents of this amendment will ask why there should be any problem in dramatically expanding the scope of these laws if the only thing we are doing in banning discrimination. They ask with great indignation—just what is it that myself and others are so worried about protecting? If one does not discriminate, then one should have nothing to fear. That is what they argue.

In fact, however, there is much to fear. All of us elected to this Chamber have heard, at some point, from constituents who are being harassed by Federal agencies running amok. The record of Federal, bureaucratic restraint is an extremely slim volume.

The real issue, here, is one of freedom. The proponents believe that the Federal Government, like some benevolent guardian, knows what is best for this country. They believe the Federal Government must have the authority to regulate every aspect and function of life in this country. Only through such domination will we, as a nation, advance into the kind of society they desire.

This philosophic bent is evidenced in other legislation moving through the Committee on Labor and Human Resources. From plant closing and layoff legislation to the high risk bill, from the array of legislation imposing specific benefits on all employees, some would have the Federal Government involved in every function and activity of the private sector. Such intrusion is simply unwarranted.

At some point we in Congress must come to terms with the fundamental question as to whether there is some limit to the scope of Federal regulatory jurisdiction. I feel there is, and the people out there feel there is. I am not sure whether the proponents of S. 557 would agree.

Justice Powell, Chief Justice Burger, and Justice O'Connor, in their concurring opinion in Grove City, put this issue quite accurately. They said:

It was and is the policy of this small college [Grove City College] to remain wholly independent of government assistance, *recognizing—as this case well illustrates—that with acceptance of such assistance one surrenders a certain measure of the freedom that Americans always have cherished.*" *Grove City College v. Bell,* 465 U.S. 555, 576-77 (1984) (concurring opinion) (emphasis supplied).

Indeed, I believe Judge Abraham Sofaer, currently the State Department's Legal Advisor, but then a Carter-appointed Federal district court judge, captured very well a le-

gitimate concern about the implementation of these statues in a case called *Bryan* v. *Koch*, 492 F. Supp. 212 (1980), aff'd 627 F.2d 612 (2d Cir. 1980). In that case, the decision by the city of New York to close a city hospital, Sydenham Hospital, was challenged by private plaintiffs as illegal racial discrimination under the 14th amendment and title VI—one of the statutes whose scope is greatly expanded by the bill before us.

The hospital served less than 2 percent of the city hospital system's patients, and averaged only 93 inpatients per day. Mayor Koch wanted to close it because of the city's severe financial problems. The hospital served a primarily black community. The plaintiffs, represented by advocacy groups, claimed that the hospital's closure caused a disproportionate impact on minorities and sued the city to block the hospital's closure. 492 F. Supp. at 216.

In so doing, plaintiffs relied on the Department of Health and Human Services' title VI disparate impact regulations. Plaintiffs, supported by the Department, asserted "that a prima facie violation of title VI can be established by proof that the city's decision to close Sydenham has a 'disproportionate impact' upon minorities * * * plaintiffs and Government contend further that a prima facie case can be rebutted only if the city proves that its actions are necessary to achieve legitimate objectives unrelated to race, color, or national origin, and that these objectives cannot be achieved by other measures which have a less disproportionate impact." 492 F. Supp. at 233 (footnote omitted).

In other words, the Government and private advocacy groups argued that by merely having a disproportionate impact on a specifically protected group, any program is suspect. And, the recipient running the federally funded program must defend itself from a charge of racial discrimination. Indeed, the city would have to prove not only that it was innocent, but that there was no better way to achieve its objectives. This is a very intrusive posture.

Even though there was no intention to discriminate, even though the city had a severe financial problem and had to make decisions on how best to allocate scarce resources, the city was put under great pressure to alter its decision.

Judge Sofaer rejected this argument as applied in this case. He wrote, "Any disciplined analysis would reveal [HHS's] formula for what it really is—a vehicle by which HHS, and the other title VI agencies, may assert jurisdiction to review the merits of, and to require the justification for, virtually all important decisions by Federal fund recipients." The judge noted that a Federal agency may not always find fault, "But the power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." 492 F. Supp. at 235. As the judge courageously noted, "[this case] appears * * * to be an effort by plaintiffs to use the Federal courts as a last resort for delaying if not preventing the implementation by elected officials of a painful but purely political decision. Under these circumstances, to delay the closing of [the hospital] for any period * * * would serve to undermine the authority and governing capacity of the city's responsible officials." F. Supp. at 217. The same, of course, can be said of private programs receiving Federal aid.

In this particular case, Mr. President, the judge rejected the allegation of discrimination based on disparate impact. But not every recipient of Federal aid has the legal resources and courage of New York City. Most public and private entities can not withstand such powerful Federal Government pressure or law suits. They all know that it is costly and time consuming to argue with or attempt to resist Federal agencies. They all know they can be sued or face a cutoff of their Federal funds. Lawsuits are costly to defend and create additional delay and uncertainty. Indeed, a different judge less sensitive and courageous than Judge Sofaer, may have decided this very case differently.

Judge Sofaer's very apt warning bears repeating and careful consideration: "* * * the power to inquire, and to demand explanation, provides leverage that will inevitably delay or discourage many nondiscriminatory and essential decisions." 492 F. Supp. at 325. This power is greatly expanded under the measure before us, and without adequate justification.

In short, the issues that have been raised concerning S. 557 are not whether discrimination should be outlawed. We all oppose discrimination and support the numerous laws that are now on the books, including the four, which are the subject of S. 557. This debate is about the simple proposition that Americans and their institutions should be free from Federal interference when the Federal Government has not demonstrated a compelling basis for such interference.

EXAMPLES OF OVEREXPANSIVENESS

Let me give you some examples of other overexpansiveness of the Federal Government of which I have been speaking.

One of the most glaring misrepresentations about S. 557 is that it is a simple bill which merely returns the law to that point in time when there was allegedly total consensus—the day before the decision by the Supreme Court in Grove City. The proponents would have us believe that at that singular point in time there was no debate over the scope of these four civil rights laws. They seem to contend that everyone, except for a mistaken few, readily agreed that the minute a Federal dollar entered the door, the entire institution was covered.

In fact, as has already been pointed out, the day before the Court's decision, the case law was far from clear. While some argued for a broad interpretation, many others, including the seventh circuit, the fifth circuit, the first circuit and the sixth circuit, believed the law should be applied narrowly. And, this interpretation represented the trend in the lower courts. As the Congressional Research Service pointed out in its anaylsis of S. 557, the Supreme court aligned itself with the apparent majority of lower court decisions that had opted for a construction of program specificity under title IX. (Page 8-9.)

In fact, one could argue that the best way to return the law to what it was prior to the Grove City decision is to leave the decision intact because that was correct law.

The proponents, however, want to go much further. Under the guise of simplicity, they want to broaden the regulatory grasp of the Federal Government beyond what it was in 1984.

Take for example churches and synagogues. Today, and prior to the Grove City decision, if a church or synagogue runs a hot meals program in its basement, only that program is subject to Federal regulation. The remainder of church activities are beyond the Federal Government's reach under these four statutes. Not so under S. 557.

According to the bill, if a church or synagogue runs such a program, it would be considered to be a Federal recipient in its entirety. Consequently, according to the bill, all of the activities and programs of the church or synagogue, whether or not related to the hot meals program, would be subject to Federal regulation. How does this happen?

Paragraph 3 of the operative provisions of S. 557 establishes coverage of corporations, partnerships, sole proprietorship, and other private organizations. It is important to stress that coverage of the private sector extends not only to corporations and other businesses, but to all private organizations of any sort. In other words, a church would be a private organization under paragraph 3 of this bill.

Paragraph 3, in turn, is divided into two parts. Paragraph 3(A) covers five kinds of private entities—those principally engaged in providing education, health care, housing, social services, or parks and recreation, throughout every plant and facility everywhere in the country.

Paragraph 3(B) covers all of the operations of "* * * the entire plant or

other geographically separate facility * * * in the case of all other corporations, partnerships, and other private organizations * * * any part of which is extended Federal financial assistance." That is pretty broad coverage.

A church or a synagogue is clearly a private organization. A church is comprised of its own geographically separate facility. So, when one program at a church receives Federal aid, the entire church is covered.

Let's take an example. In the case of a church or synagogue operating a "meals for the elderly" program in its community room, the church or synagogue is a geographically separate facility a part of which—the meals program—receives Federal aid. Therefore, the entire church or synagogue, including its prayer rooms and other purely religious elements, will be subject to all regulatory requirements established under these statutes. Its school and religious classes will be subject to all of these requirements, plus those under title IX. Proponents of S. 557 were quite vocal in committee in demanding this pervasive coverage of religious institutions.

Let's consider another example. A church or synagogue builds a low-income housing project for the elderly or persons with handicaps with the help of Federal aid. Many religious institutions undertake such housing projects. Even though the church or synagogue itself received no Federal financial assistance, under S. 557, not only is that housing project covered, so is the entire church or synagogue.

Again, how would such coverage occur? First, the housing project is an operation of the separate, geographical facility, namely, the church. Thus under the language of bill, whenever any part of the church's operations receive any Federal aid, all of the operations are covered.

Second, according to the committee report, the term "geographically separate facility" doesn't mean just the one building where the Federal aid goes, it means all other buildings related in any way to that building in the same locality or even region. According to the committee report, in referring to "an entire plant as the geographically separate facility, the bill refers to facilities located in different localities or regions. Two facilities that are part of a complex or that are proximate to each other in the same city would not be considered geographically separate." Committee report on page 18. I am not sure my colleagues know that the phrase "geographically separate facility" really means all facilities which appear in the same locality or region.

No evidence whatsoever was presented to the committee that such broad coverage of our most basic religious institutions existed before Grove City. Such coverage would represent a fundamental contempt for these institutions; indeed, contempt was expressed by some during the committee markup.

There are even more ramifications for religious institutions under this measure. According to the plain language of this bill, when the church receives Federal social welfare aid for a noneducation program, and the church or synagogue also conducts an educational program as many of them do; that is, religious classes and instruction, these classes and instruction—at a minimum—would be subject to title IX, with a limited exception in those instances when title IX conflicts with the religious tenets of these schools, assuming that they can show they are controlled by the church or synagogue. This expands title IX. In fact, it appears that if the church or synagogue operates an educational program, and Federal aid goes to any part of the church or synagogue, the entire religious institution becomes subject to title IX.

Mr. President, there are those who do not trust our churches and synagogues to do the right thing by their parishioners and congregations, and prefer to extend the Federal hand over all of their operations. I disagree. When a particular church or synagogue program receives Federal aid, that program itself should be covered, not the entire church or synagogue. We should be encouraging these institutions to provide services in the community rather than discouraging them by subjecting them pervasively to a Federal bureaucracy and private lawsuits just because one of their social welfare programs is federally aided.

What many of my colleagues and I fear—but what well may be the intent of some of the proponents of this measure—is that religious institutions will decline to participate in many social programs rather than undergo the Federal regulation of their religious beliefs. If this possibility of such coverage of religious institutions were remote, if the proponents sincerely have no intention of regulating churches and synagogues, logic would say they would support an amendment which made clear Congress' intent in this area. But they did not. Instead, they specifically rejected an amendment which, with regard to churches and synagogues and only churches and synagogues, would have limited Federal regulation to the programs or activity receiving Federal aid. We do not need a Federal regulator standing in every pulpit and at every altar to have effective civil rights laws in this country.

PUBLIC AND RELIGIOUS SCHOOLS

Another example of overreaching concerns private and religious elementary and secondary schools. In the past, if a private school received Federal aid, the Department of Education would assert jurisdiction over the school but not the entire system to which the school belonged. Under S. 557, however, the result would be different. Regulatory jurisdiction would, to use an old familiar term, "trickle up."

Accordingly, under S. 557, if one school in a private or religious school system receives even $1 of Federal aid directly or indirectly, not only is that entire school covered, but so is every other school in that private or religious school system. Moreover, even the noneducational activities of the school and school system—that is, all of the operations of the school system—would be subject to these four statutes.

How does this happen, Mr. President? Take a look at paragraph 2(B) of the operative provision of this bill. It covers "all of the operations of * * * a local educational agency, system of vocational education, or other school system * * * any part of which is extended Federal financial assistance * * *."

The key here is the phrase "other school system." A "local educational agency" is a public school district. A "system of vocational education" is the next type of school covered. The only thing left to be included in the term "or other school system" is obviously a private, including religious, elementary and secondary school system.

Mr. President, such coverage of private and religious school systems did not exist prior to Grove City. The definition of "educational institution" in the Department of Education's title IX regulation states that such an institution is "a local educational agency [LEA] as defined by section 1001(f) of the Elementary and Secondary Education Act of 1965, a preschool, a private elementary or secondary school, or an applicant or recipient of the type defined by paragraph (k), (l), (m), or (n) of this section." 34 C.F.R. sec. 106.2(j).

The local educational agency described in this definition is a public school system. The institutions referred to in paragraphs (k), (l), (m), and (n) are institutions of higher education or of vocational education. Nowhere in this definition is a private or religious school system covered. Indeed, while an individual private elementary or secondary school may be covered, the phrase "other school system" or "private school system" or "religious school system" is conspicuously absent.

It is not surprising that entire private school systems are not subject to coverage because just one school in the system receives Federal aid. People who attend these schools do so of their own free will, knowing the policies and practices of the school. In the case of religious schools, the Government understandably seeks to

tread lightly in order to assure first amendment rights of religious freedom. Notwithstanding the clear definition of existing law, and the obvious intent of Congress in its adoption, an amendment offered during committee markup of S. 557 to limit coverage to the private or religious school itself receiving Federal aid was defeated by an 11 to 5 vote.

RELIGIOUS TENETS EXCEPTION UNDER TITLE IX

There are similar problems with the provisions of the bill addressing religious tenets. In 1972, when Congress enacted title IX, it included a so-called religious tenet exemption which provides that "this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization * * *." 20 U.S.C. sec. 1681(a)(3).

Under this provision, schools controlled by religious organizations can submit a request to the Department of Education for an exemption from a specific title IX regulation if that regulation conflicts with one of the organization's religious tenets. The Department of Education has authority to review these requests and may grant or deny them based on the facts submitted by the organization and the Department's own investigation. Unfortunately, recent changes in the relationship between religious organizations and religious educational institutions have rendered the current exemption inadequate.

In its report, the majority cites a longstanding Department of Education interpretation of the "controlled by" test. Never published as a regulation, this interpretation establishes the following criteria:

An applicant or recipient will normally be considered to be controlled by a religious organization if one or more of the following conditions prevail:

(1) It is a school or department of divinity; or

(2) It requires its faculty, students or employees to be members of, or otherwise espouse a personal belief in, the religion of the organization by which it claims to be controlled; or

(3) Its charter and catalog, or other official publication, contains explicit statement that it is controlled by a religious organization or an organ thereof or is committed to the doctrines of a particular religion, and the members of its governing body are appointed by the controlling religious organization or an organ thereof, and it receives a significant amount of financial support from the controlling religious organization of an organ thereof.

The problem is that few institutions would qualify under a strict interpretation of this standard because of recent changes in the structure of higher education. In the past, many educational institutions were controlled outright by religious entities. Today, however, many of these institutions, while retaining their clearly defined religious mission, are no longer controlled by a specific church or synagogue. School governing bodies now include not only church members who promote and administer quality education but also individuals who are not members of that religious group.

Similarly, the financial ties between religious organizations and church-related institutions have decreased, and there have been changes in the nature of the denominational affiliation of religious institutions. In sum, many church-related colleges now have lay boards of trustees, diverse funding sources, and less direct denominational ties. Despite these changes, many religious institutions are still valued by parents and students because of the identifiable religious influence they bring to the education process.

In this new environment, the need to protect a student's right of choice has added importance as the specific values and policies of private institutions have become more diverse. Church-related colleges and universities, freely chosen as private institutions by the students who attend them, have traditionally regarded religiously based attitudes about marriage, children, and family life as central to the concerns of their students. Mirroring closely held religious beliefs, some also teach that particular distinctions based on gender, particularly as they relate to matters of family life, are both natural and religiously significant.

Consequently, religious schools act differently than public schools. State schools are extensions of the democratic state and have a constitutional obligation to take a more "neutral" posture on certain value-laden matters. The same is not true for private religious schools. Without a broader exemption for religious schools and institutions, S. 557 would tend to establish an official orthodoxy in private schools concerning these value questions, a serious and unnecessary violation of a very central civil liberty, the first amendment right of religious freedom.

In order to address these concerns, I offered an amendment during the committee markup of this bill to expand the exemption in the bill to cover not only entities controlled by a religious organization but also those "closely identified with the tenets of a religious organization." The amendment was quite narrow in scope. It would not provide exemption to title VI—race—section 504—handicap—or the Age Discrimination Act of 1975—age. The exemption would only apply to title IX, which addresses gender discrimination.

(Ms. MIKULSKI assumed the chair.)

Mr. HATCH. Furthermore, the amendment would not have permitted an institution to be exempt in its entirety from title IX, if one of its policies based on a religious tenet conflicts with title IX. Instead, the exemption would apply only to the particular title IX regulation which conflicted with the religious tenets of that eligible religious educational institution. Title IX would apply to all other aspects and operations of that institution.

What are the concerns which give rise to requests for an exemption? It is our understanding that the title IX regulations which cause problems are those which require abortion to be treated as other temporary disabilities, which prohibit inquiries or actions based on marital or parental status, and which restrict counseling about traditional gender roles in the family. Obviously, this list is not complete, and it may include other concerns based on the moral values imposed by future bureaucracies through new regulations. In areas of obvious religious significance to many schools and institutions, we believe Congress must provide a mechanism that protects not only against discrimination but also ensures the freedom to practice one's religion.

The majority has argued that the Department of Education's current enforcement of the "controlled-by" test negates any need to broaden the exemption. If one looks at the Department's current practice, it is true that the control standard has been broadly interpreted. However, there is no assurance that this practice will continue in subsequent administrations without the necessary statutory revision. Moreover, if this legislation is adopted without the language I am recommending, advocacy groups hostile to the exemption are likely to sue these institutions and the Department of Education to strip the institutions of their exemptions.

If the majority is comfortable with the Department of Education's current treatment of requests for exemptions by religious institutions, shouldn't the law clearly mirror that practice? And, given the more expansive coverage called for in S. 557, we believe Congress cannot ignore the need to adjust this exemption so that it adequately protects deserving institutions.

It has also been argued that if religious schools want to adhere to certain religious tenets, they can always refuse to accept any Federal moneys, thus avoiding a need for an exemption. This is not a realistic choice. With the expansive nature of what is considered Federal aid, it is difficult, if not impossible, for any institution to separate itself entirely from the Federal Government. Moreover, few private schools have such large cash surpluses that they can uniformly bar all forms of Federal student aid. But

more importantly, given the legitimacy of the first amendment issues involved, we feel they should not have to face such a Hobson's choice. Why should Congress force a school to choose between providing abortion insurance and accepting Pell grant students?

The proponents have expressed their fear that the amendment would open a large loophole in the Federal Government's prohibition against discrimination. Nevertheless, they offer no examples of such abuse. The amendment offered in committee was virtually identical to language in the Higher Education Amendments of 1986, addressing religious discrimination, adopted by Congress and signed into law in October 1986. It is supported by such organizations as the National Association of Independent Colleges and Universities, the American Association of Presidents of Independent Colleges and Universities, the United States Catholic Conference, Association of Catholic Colleges and Universities, Agudath Israel, and the Catholic Health Association. Unfortunately, it was defeated by a vote of 11 to 5.

I believe language must be included in any Grove City legislation to protect a religious institution closely identified with the tenets of a religious organization if a religious tenet of that organization conflicts with a title IX regulation. The control exemption found in current law is not adequate given the expanded scope of Federal coverage called for in S. 557.

Religious institutions not controlled by churches or synagogues are clearly entitled by the Constitution to protection of their first amendment rights. Surely, we must remember that, of the rights protected in the first amendment, religion is recognized first, before speech, press, assembly and petition. As drafted, S. 557 represents an unacceptable entanglement of church and state. Congress can bar discrimination without trammeling upon the constitutional right to freedom of religion.

NEW LAW

As I mentioned earlier, the proponents regularly contend that S. 557 simply restores the law to what it was prior to the decision by the Supreme Court in *Grove City* v. *Bell.* Yet, an examination of the bill demonstrates that this assertion is simply false.

Currently, there is no language in the four statutes amended by S. 557 which requires an organization to be treated differently based on the nature of the business in which it is principally engaged. According to S. 557, however, if a business or private organization "is principally engaged in the business of providing education, health care, housing, social services, or parks or recreation," it is covered in its entirety when any of its parts receive Federal financial assistance. That coverage is created by paragraphs 3(A)(ii) of the operative provisions of the bill. In contrast, all other private entities which do not receive Federal aid "as a whole" are covered only with respect to a "plant or other comparable geographically separate facility." (Paragraph (3)(B)).

There is virtually no limit to the number of organizations or corporations which will fall into the category of "principally engaged in the business of providing education, health care, housing, social services, or parks or recreation." There is nothing in either the bill or the report of the majority that explains what types of businesses are to be included in these five new categories. For example, many construction companies and all real estate agencies are principally engaged in the business of providing housing. Drug companies are principally engaged in the business of providing health care. Are these the kind of companies the majority intends to cover?

The proponents of S. 557 concede that this bifurcated standard did not exist prior to the decision by the Supreme Court in the *Grove City* case. How then, can one argue that S. 557 simply restores the law to what it was prior to the *Grove City* decision and still concede that a key portion of the bill is brand new law. The proponents, while not explaining this contradiction, argue that private entities and businesses principally engaged in providing education, health care, housing, social services, parks or recreation are, essentially, part of the public sector. According to the committee report on page 20, these companies really "perform governmental functions." Consequently, for them, there can be a total blurring of traditional, legal distinctions between what is considered public and governmental and what is considered private and independent.

During committee consideration of S. 557, Senator THURMOND offered an amendment to treat all businesses that receive Federal assistance in the same manner, regardless of the nature of the business. Unfortunately it, too, was voted down.

In a similar vein, the proponents included in S. 557 a substantive amendment to section 504 of the Rehabilitation Act, exempting "small providers" from making significant structural alterations to their existing facilities if alternative means of providing services to persons with handicaps are available. According to the committee report, pages 23-24, this provision statutorily codifies existing regulations concerning application of this statute to small employers.

While we agree with the motive behind this exemption, it should be recognized that it did not exist in section 504 prior to the decision of the Supreme Court in the *Grove City* case. In fact, not every Federal agency's section 504 regulation contains such an exemption. This provision has been added out of recognition that if section 504 is administered on an institution-wide basis, its requirements will impose, as the proponents acknowledged, "significant costs on small, low-budget providers."

Again, it is impossible to argue on the one hand that S. 557 is simply a restoration bill and at the same time argue that the bill should include a substantive change to section 504 in order to avoid undue economic hardship on some small businesses. It seems that the proponents argue restoration in order to avoid dealing with difficult policy questions, such as abortion or coverage of religious schools, but they feel free to amend substantively these statutes where it is in their interest to minimize the problems caused by the dramatic increase in Federal jurisdiction called for in the bill.

Similarly, section 7 of the bill creates a new exemption from coverage for certain ultimate beneficiaries of Federal financial assistance if such beneficiaries were excluded prior to enactment of S. 557. While we agree with the motive behind this new substantive change in the bill, it does pose several problems.

First, the authors of S. 557 never define who is covered by this exemption. We assume that the purpose of section 7 is to codify an interpretation presently found in some—but unfortunately not all—agency regulations that the pertinent nondiscrimination statutes apply only to covered programs that administer Federal funds for the benefit of others, not the ultimate beneficiaries of Federal assistance themselves. The problem, however, is that without a specific regulatory or statutory reference, it is impossible to determine who the majority intends to cover in its exemption.

S. 557 provides no guidance whatsoever as to the proper coverage of entities such as farmers receiving crop subsidies. We can only hope the proponents' opinion, found on pages 24 and 25 of the committee report, will be sufficient to fill in the gap left by the legislation as drafted. Obviously, to avoid unnecessary litigation, it would be far more prudent to include within the statute a more complete explanation of who is and who is not covered. Without such clarity, there is no assurance that pre-Grove City standards will be codified by the bill in this instance.

A second problem with section 7 stems from the fact that it is drafted as a cap on who may be included within the term "ultimate beneficiary." Only those who were deemed to be an ultimate beneficiary prior to enactment of the bill can benefit from

this exemption. On page 25 of the committee report it states:

Nothing in S. 557 would prohibit recipients of new forms of federal financial assistance created after enactment of the bill from being exempted from coverage as "ultimate beneficiaries," where the type of aid and the nature of the recipient is analogous to the existing categories of "ultimate beneficiaries."

Unfortunately, that is not what the actual language of the bill states. It specifically refers to ultimate beneficiaries excluded prior to enactment of S. 557. Consequently, legislation authorizing a new Federal program will have to include a specific amendment to these four statutes in order to provide ultimate beneficiaries of the new program the same treatment provided their counterparts in existing Federal activities.

The practical difficulties of such an approach are readily apparent. For example, last session, the Labor Committee reported Senator KENNEDY's S. 514, which was entitled, "Jobs for Employable Dependent Individuals" [JEDI]. I supported that bill. I was a spokesman for it on the floor and a cosponsor. It creates a new program designed to target Federal resources to long-term welfare recipients. It did not address the ultimate beneficiary issue. As a result, if S. 557 is enacted before S. 514, individual participants in the JEDI Program will not be afforded the same treatment guaranteed participants in programs created by the Job Training Partnership Act, although the eligibility for these programs overlaps. While this may not be the intent of the majority, it is the legal consequence of S. 557 as currently drafted.

ABORTION

No discussion of S. 557 would be complete without addressing the issue of abortion. The Department of Education's title IX regulations require an educational institution to treat termination of pregnancy by employees like any other temporary disability "for all job-related purposes, including commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, and under any fringe benefit offered to employees by virtue of employment." 34 CFR 106.57(c).

Moreover, the same treatment of termination of pregnancy applies to the provision of "a medical, hospital, accident or life insurance benefit to any of its students." 34 CFR 106.39; id. at 106.40(b)(4)—"A recipient shall treat * * * termination of pregnancy * * * in the same manner and under the same policies as any other temporary disability with respect to any medical or hospital benefit, service, plan, or policy" of the recipient with respect to students.

Even if S. 557 did not expand the scope of these title IX regulations, abortion-neutral language is necessary to ensure that, whatever its scope, title IX does not require entities to provide abortions or abortion insurance as a condition of the receipt of Federal aid.

Moreover, despite the unpersuasive claims of its sponsors, the Civil Rights Restoration Act would significantly expand the reach of these proabortion regulations. If a hospital has a federally aided education component, the entire hospital, including services to patients, will be covered by title IX and these proabortion regulations. Further, any institution with an educational component—including a hospital—that receives Federal aid to its noneducational components will also automatically have title IX and these abortion regulations applied not only to the unaided education programs, contrary to the pre-Grove City practice, but also to all of those participating in the institution, such as hospital patients.

Thus, a hospital conducting an education program which receives Federal aid to any of its operations, will be required to include abortion services in its obstetrics program. This follows from the "all of the operations of" definition of program or activity and is a clear result of the pervasive, all encompassing coverage of health care institutions set forth in subparagraph 3(A)(ii) of the operative parts of the bill. While proponents of this bill claim that only the educational part of a hospital receiving Federal aid is covered by title IX, the language of the bill goes far beyond that.

The bill plainly defines "the term 'program or activity' and 'program'" as "all of the operations of * * * of an entire corporation, partnership, or other private organization, or an entire sole proprietorship * * * which is principally engaged in the business of providing * * * health care * * * any part of which is extended Federal financial assistance." This is not limited coverage. Indeed, it is ironic that proponents talk about the supposed need for institutionwide coverage, reiterate it in this bill's "findings" clause, and then suddenly describe their bill as extremely narrow in scope when it comes to abortion. As I mentioned earlier, they can't have it both ways. If they are going to broaden coverage to "all of the operations of" health care institutions whenever any part of the institution gets Federal aid, title IX regulations and the proabortion principle embodied in them also apply that broadly. And, if it is illegal under the regulations to provide insurance without covering abortions, how can a hospital covered under S. 557 provide an obstetrics program without including abortion services themselves?

In response to these proabortion regulations and their expansion under the bill, it is my understanding that the distinguished senior Senator from Missouri will offer an amendment which states:

Nothing in this title shall be construed to require or prohibit any person, or public or private entity, to provide or pay for any benefit or service, including the use of facilities, related to an abortion. Nothing in this section shall be construed to permit a penalty to be imposed on any person because such a person has received any benefit or service related to a legal abortion.

This abortion-neutral amendment denies no one the "right" to an abortion under Roe versus Wade, and forbids discrimination against anyone who has had a legal abortion. Moreover, an institution that wishes to provide abortion coverage is free to do so—it is simply not compelled to do so as a condition of the receipt of Federal aid. Indeed, Congress has regularly voted to forbid the use of Federal funds for abortions.

Unless we adopt an abortion-neutral amendment to this legislation, we will leave in place the anomalous situation in which an institution is, on the one hand, forbidden to use Federal funds to provide abortions, but on the other is required because of the receipt of Federal funds to use its own funds to provide abortion coverage. Surely, this contradictory state of affairs is unsound. Let me note that the committee report's suggestion that the amendment would take away protections against abortion-related discrimination is patently false. The amendment would make clear that title IX does not permit a penalty against a woman who has had a legal abortion.

Another completely specious argument against this amendment is that it is substantive in nature and has no place in a bill ostensibly addressing only the scope of the civil rights statutes. Obviously, this argument is without merit. As I have already mentioned, S. 557, in its current form, already makes several substantive changes in the law. It, itself, does that.

The proponents cannot address substance in their language and then tell those of us deeply concerned about another matter that we are out of bounds when we wish to address existing regulations on so fundamental an issue as abortion.

Some opponents of the Danforth abortion-neutral amendment have argued that the administration can simply repeal the regulations. That is no solution. Pro-abortion advocacy groups could tie up that proposed change for years in Federal court litigation, or, a subsequent administration could put them right back in place. In order to address this problem, we must do so by express legislative provision.

In conclusion, S. 557 should not be enacted in its current form. It calls for a marked increase in Federal jurisdiction, in the regulation of churches and synagogues, private and religious

schools, State and local government and all aspects of the private sector, from the corner grocery store to the small farmer to the large corporation. It imposes the Federal Government into all of the activities of religious institutions, unnecessarily trammels the religious freedoms of many colleges and universities, and dramatically expands the scope of Federal regulations that would make the failure to provide abortion services a discriminatory act.

My colleagues will have an opportunity to vote on many of these issues during the next few days. There will be amendments to protect the first amendment right of freedom of religion. There will be amendments to protect religious schools, small providers and portions of the private sector. There will be amendments to clarify the laws concerning religious tenets and ultimate beneficiaries. And, we will have an opportunity to vote on a substitute bill, one which the President would quickly sign into law and one which will quickly solve the problem. We, in fact, could have done this 3 years ago.

There is no interest on this side, of which I am aware, to filibuster this issue, provided that the proponents do not attempt to use the procedural advantages they have to preclude Senate consideration of these amendments. I think the distinguished chairman of the committee, the senior Senator from Massachusetts, will agree that despite the divisive nature of this bill, we have tried to facilitate its consideration. This was true in committee and it is true here on the floor, and it will be, I believe. I hope this spirit continues.

I urge my colleagues to carefully consider the amendments that will be offered, because their adoption is critical to passage of the bill. If we fail to address the scope of Federal regulatory jurisdiction, the abortion issue, religious tenets and the coverage of religious institutions—S. 557 will never become law.

As early as 1984, we could have resolved the problems with the Supreme Court's decision with regard to title IX, where there has been a demonstrated need for relief. We have yet to do so, a failure which all of us who support title IX regret.

It is time for us in this Chamber and in this other body to recognize that we can have effective civil rights laws without regulating churches; we can guarantee equality of opportunity without forcing a Notre Dame to provide abortion services; and, we can guarantee the civil rights of all Americans without sacrificing other constitutionally guaranteed freedoms.

And, unless we come to terms with this fact, the changes in the coverage of educational institutions under all four statutes that so many of us endorse will never have a chance to become law.

I yield the floor.

The PRESIDING OFFICER [Mr. METZENBAUM]. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of the Civil Rights Restoration Act. This is now the fourth year that Congress has debated a Civil Rights Restoration Act. We must not let another session of Congress end without passage of this important legislation.

It has been almost 25 years since the Federal Government committed itself to ending invidious discrimination in this country. At that time, such discrimination existed in our schools, our public accommodations, in housing and in voting. And all too often, the discrimination was supported and paid for with Federal money. With passage of the Civil Rights Act of 1964, we took the first major step to stop publicly supported discrimination. Under title VI, discrimination based on race, color or national origin was prohibited in any program or activity that received Federal aid.

Title VI became a major vehicle for attacking the separate and unequal society which denied basic civil rights and opportunities to millions of Americans. With time, we realized that invidious discrimination takes many forms and we moved to protect the civil rights of women, disabled persons and the elderly.

Title IX of the education amendments of 1972 prohibits sex discrimination in education program or activities receiving Federal funds. Its mandate was clear, simple and effective, if an educational institution received Federal funds it could not discriminate on the basis of gender.

The Supreme Court's decision in the Grove City College destroyed that simplicity and severely limited the effectiveness of title IX and its companion statutes. The time is now long past due to restore the protections against sex, race, age, and handicap discrimination that were removed by the Grove City decision. That is what the Civil Rights Restoration Act will do, and that is all that this legislation will do.

The educational opportunities lost due to Grove City are gone forever. The young woman denied an athletic scholarship because of Grove City will not apply to college again. The students whose cases were closed because of Grove City now have their college careers behind them.

Education is the door to opportunity—the opportunity to choose one's own destiny. We simply cannot continue to deny even one more student a guarantee of equality, or to subsidize discrimination with Federal aid.

The impact of the Grove City decision has been real and devastating. Since 1984 dozens of discrimination investigations have been dropped. The cases that will never be heard, much less remedied, cover everything from loss of a teaching job held by an elderly woman to denial of admission to medical school for a wheelchair bound student.

Let me conclude by saying discrimination has no place in our society. In education—the key to unlock the golden door of opportunity—our vigilence against the blight of discrimination must be doubly strong. Passage of the Civil Rights Restoration Act will restore the strength to this country's commitment to equality for all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in support of the Civil Rights Restoration Act.

Passage of this legislation will be a landmark in the historic struggle to bring all Americans—black and white, old and young, women and men, the disabled and the able-bodied—into full enjoyment of their inalienable rights. While we have come a long way in this struggle, there is still some distance to go to put an end to racism, sexism, and the attitudes that stereotype the elderly and the handicapped and relegate them to second-class citizenship.

Mr. President, discrimination of any kind is wrong and goes against the American grain. Individuals who practice it must answer to their own conscience. But when institutions that depend on the Federal Government for support discriminate, the Constitution and its guarantees come into play.

A generation ago, the civil rights movement forced us to face up to this fact, and as a result, the Nation made some important promises. One of them was contained in the Civil Rights Act of 1964. It stated that "no person shall, on the ground of race, color or national origin * * * be subjected to discrimination under any program or activity receiving Federal financial assistance."

In subsequent years, this promise was extended to women, by way of title IX of the education amendments of 1972; to the handicapped under section 504 of the Rehabilitation Act of 1973; and to the elderly via the Age Discrimination Act of 1975. Congress made it plain: there will be no Government subsidy for discrimination.

These pledges, together with the enforcement provisions which provide the statutory teeth, represent our most powerful tools for doing away with a separate and unequal existence for any American.

Unfortunately, these tools were taken out of our hands in 1984. The Supreme Court, in the decision *Grove City College* v. *Bell* and later rulings, wrongly interpreted what Congress

sought to do in these statutes. It determined that the discrimination ban applied merely to the specific program or activity receiving Federal money, not the entire organization or entity.

Although the Grove City ruling applied to title IX and education programs, it clearly contracted the scope of coverage of all four laws. The same day the Supreme Court handed down Grove City, it issued *Consolidated Rail Corp.* v. *Darrone*, a section 504 case involving employment discrimination by a railroad against a disabled worker. In that ruling, the Court explicitly held that its narrow interpretation of "program and activity" in Grove City applied with full force to section 504.

For nearly 4 years now, recipients of Federal funds—hospitals, nursing homes, corporations, local governments, and universities—have been able to take Government money with one hand and discriminate with the other. And they continue to get away with it.

(Ms. MIKULSKI assumed the chair.)

Mr. WEICKER. I think it important to emphasize at this point that so many times I hear Grove City mentioned. It is done so in the context of discrimination against women, and, more particularly, women in athletics. This is not a piece of legislation directed toward women or women in athletics. It is directed toward women; it is directed toward the elderly; it is directed toward the handicapped; and it is directed toward minorities.

Indeed, add one or two more groups and it really is directed towards all of us.

I want to point out also at this juncture that the failure to remedy the consequences of the Supreme Court decision lies directly on the doorstep of all Americans, not on the doorstep of the Court or just on the doorstep of the Senate or the House.

I stated in the few minutes that I had to speak at the Ebeneezer Baptist Church in Atlanta last Monday, that, in the final analysis, the American people are what make things happen in this Nation. My reference there was the latent discrimination that exists in all of us, from all sections of the country, and how, in the 1950's and 1960's we tried to place the blame on our sister States and their representatives from the South. But indeed such discrimination could not be eliminated until a nation asked that it be eliminated. When a nation asked, it was.

Even though it is called Grove City, which sounds very legalistic, there is nothing very legalistic or narrow or incomprehensible about what has transpired. It is discrimination subsidized by the American taxpayer. That is what is going on. That is what the issue is before this body.

I have never seen any such anticonstitutional behavior so clouded over and masked by flyspecking arguments as has been true in the instant case.

Of course we meant it when we passed legislation saying that Federal funds would be cut off if discrimination took place. I really do not find much fault with the decision of the Court, because it is up to us to be precise. I do not like that decision that was rendered in Grove City, but I can understand it.

What I cannot understand is the failure to do clearly the very simple act of precision that was called for in that the Court ruling. That is our job and it is the job of the American people.

Today in America a black person can walk into a satellite clinic of a major hospital and be denied treatment because no Federal funds support the operation of that particular facility. An elderly person can be denied equal access to bus service if a city uses all its Federal mass transit funds for its subway system, then chooses not to buy "step-up" buses which many older people rely on. A disabled employee, no matter how qualified, can be denied a promotion if the specific department involved receives no Federal money. A student can be sexually harassed without protection of the law if the building in which it occurs was not built with Federal funds.

The force and the promise of the 14th amendment, of due process and equal protection of the laws, and the intent of our civil rights laws, are being denied because of a technicality.

A few specific examples will serve to illustrate the ludicrous way in which these laws are being applied. In *Foss* v. *City of Chicago* (N.D. Ill. 1986), the Court held that a handicapped firefighter who claimed to be improperly fired because of a disability could not sue the Chicago Fire Department under section 504 of the Rehabilitation Act. The fire department did, in fact, receive Federal funds, but the Court found that those funds did not cover the specific duties performed by Foss and therefore he had no protection under section 504.

In United States versus the State of Alabama, a case decided just last October, the 11th circuit court of appeals reversed and remanded a district court finding that the State of Alabama had perpetuated a "dual system" of higher education. According to the district court memorandum, Alabama students were channeled into schools on the basis of their race and the predominantly black schools received far less State funding than white colleges. On appeal, the 11th circuit, citing Grove City, held that the United States could not maintain an action under title VI of the Civil Rights Act of 1964 against a State's system of higher education without specifying which programs and activities within the various institutions received Federal funds and how those specific programs and activities were discriminatory.

In *Walters* v. *President and Fellows of Harvard College* (D. Mass. 1985), a former employee of the building and grounds department of Harvard University alleged that she was harassed on the job and ultimately forced to quit because of her sex. The Court agreed that employment discrimination was prohibited by title IX but dismissed her claim because it found that the maintenance of school buildings where teaching took place was not directly enough related to the education programs that received Federal funds.

In the case *Moire* v. *Temple University School of Medicine* (E.D. Pa. 1985), a psychiatry student claimed she received a failing grade because she rebuffed a professor's sexual advances. The district court dismissed her title IX claim because the professor in question received no Federal grant money, even though the university receives millions of dollars of Federal funds.

These are all court cases. The impact of Grove City has also been felt, with a vengeance, in the executive branch. It is disheartening to recall that the court's ruling was welcomed by the Department of Justice, which had adopted the limited view of the laws a year before the Supreme Court did. Grove City amounted to a judicial stamp of approval and other Federal agencies followed suit. From compliance reviews of institutions receiving Federal financial assistance to investigations of discrimination complaints, these agencies have taken a new and narrow view of their responsibilities. Case upon case has been closed, narrowed in scope or never opened. Our once vigorous enforcement efforts have been replaced by bureaucratic paper chases to pinpoint Federal dollars.

This is particularly true in the U.S. Department of Education. It is estimated that a total of 834 discrimination cases have been dismissed or narrowed due to Grove City. Just days after the Court's ruling, the Department dropped its investigation of sex discrimination in the intercollegiate athletic program at the University of Maryland because the program itself received no direct Federal funding. And this was so, even though the Department had already documented discrimination in travel and other support services to female athletes.

To take another example, a black high school student filed a complaint alleging that her school's chapter of the National Honor Society failed to induct her because of her race. Although she was ranked fifth in her class and took part in many extracurricular activities, she was not among

the 16 students invited to join the society. The Department's Office of Civil Rights closed the case because it found the alleged discrimination did not occur in a program or activity directly receiving Federal financial assistance.

In yet another instance involving the Massachusetts Department of Youth Services, an employee claimed that although he passed the exam to become "supervising group worker" and was ranked first on the list for such a position, he was denied it because of his disability. The Office of Civil Rights advised the complainant that although the department received Federal funds the custodial program did not. Case closed.

Madam President, for almost 4 years now, cases such as these, involving vital civil rights, have been taken off the dockets or decided in the discriminator's favor. It's time the Congress of the United States put an end to it. The Civil Rights Restoration Act would do just that.

As its name suggests, this legislation would restore the broad scope of the Nation's four bedrock civil rights statutes. It does not rewrite the substantive language of those laws. It does not redefine who is a "recipient" of Federal financial aid, nor does it redefine what constitutes "Federal financial assistance."

The Federal Government can no longer afford and the American people can no longer tolerate discrimination in any program or activity receiving tax dollars. Last week we celebrated the birthday of Dr. Martin Luther King, Jr. In his letter from the Birmingham Jail, Dr. King wrote: "Injustice anywhere is a threat to justice everywhere." No matter how few it affects or how subtly it occurs, injustice has no excuse. We must never forget that "equal justice under law" is not merely a phrase that graces the Supreme Court building but a principle by which this Nation lives. Unless and until Congress acts to restore full civil rights to minorities, women, the disabled and the elderly, that principle is in peril. I urge my colleagues to join me in giving this legislation their unqualified support.

I also call upon the President to push for its passage. It was Ronald Reagan who said once:

> My belief has always been * * * that wherever in this land any individual's constitutional rights are unjustly denied, it is the obligation of the Federal Government—at point of bayonet if necessary—to restore that individual's constitutional rights.

Right now, President Reagan, the bayonet is being held at the throat of the victims. The Federal Government, by virtue of its funds, is a coconspirator in countless cases of discrimination. Congress and the President must cooperate to restore Government to its proper constitutional role as defender against, rather than perpetrator of, discrimination.

Several weeks ago, this body examined the credentials rather closely of a nominee to the Supreme Court of the United States. At issue was his dedication and commitment to the ideals of the U.S. Constitution. His commitment and his dedication was found wanting, and appointment to that body was denied him. In the course of his confirmation hearings, Judge Bork—I now paraphrase his statement—expressed the belief that the courts were to be the last repository in the defense of the rights of the people of this Nation, that Congress and the executive were the first. The Senate of the United States, the House of Representatives of the United States, and the President of the United States: these were the ones to carry the battle against oppression in whatever form that oppression took place.

Now, Madam President, you know and I know what has been going on around here among Republicans and Democrats alike. During the past decade as civil rights have become less and less popular everybody has been sitting back saying, "Let the courts handle it. We don't have to get involved. It is a hot potato. Let the courts handle it." And then when the courts do handle it, if the decision is not to our liking, we say, "Well, we have got to go ahead and do something about the courts."

This very attitude, I might add, often means that this is a fingerpointing exercise. This very attitude is prevalent in my own State of Connecticut today where the incumbent administration through its commissioner of education has indicated that discrimination exists within our school system. I picked up the newspaper, and do you know what I read? Comments that unnamed legislators will never bring this matter to a vote. The courts will handle it. And the courts probably will handle it. And the legislators will rise up in a mighty wrath as they have on the floor of the Senate saying, we do not like busing, we do not like this or that remedy, when all along we have the first opportunity to make real, to make beautiful the ideals of our Constitution. And yet we could not face up to a tough choice.

Well, we have that opportunity right now. How do you want to have it? If there is discrimination against the disabled by an institution, do you feel that they ought to be denied Federal funds? I do.

I am not interested in eons of time passing as we flyspeck the institution to find out where it is that the discrimination occurs and who ordered it and in what form.

If you cannot get it knocked into your head that discrimination is out in this Nation, period, then you do not deserve the help of the American people, the munificence of our Government.

If you want to discriminate against women, then you should not be permitted to receive Federal funds until you understand that, yes, women are just as equal as anyone else in this Nation, by virtue of the laws and the ideals and the Constitution of this Nation.

If it is the elderly who have had part of their inheritance taken away by an institution, then it is the institution that should suffer momentarily, not those in the declining years of life.

Then, if there are those who still feel that because you are black or Hispanic you must travel a special road in this land of equality, then we must punish those who feel that way, not those against whose neck the sword of discrimination lies.

All of these forms of discrimination are at issue before this body. But, just as important, it also is before the American people, because nothing will happen here that is not demanded by the American people.

I know that many feel that we went so far for a decade that we should go no further. It is embarrassing to have to look at our prejudices in generations past. We are saying that we can only look at so much within our own generation.

Well, if the American people can demand a balanced budget, then they also can demand equality under our Constitution. If the American people can demand a strong defense, then they can also demand the promise of equality for every American.

Ben Franklin said in this Nation the people rule. We will find out about that in the days and votes ahead.

I yield the floor.

Mr. STAFFORD. Madam President, I rise in support of S. 557, the Civil Rights Restoration Act, a bill of which I am proud to be an original cosponsor.

I am joined by 58 of my colleagues in this sponsorship. Clearly a majority of the Members in this legislative body disagree with the Supreme Court's ruling in Grove City College versus Bell. Conversely, I believe that we all agree that Federal funds should not be used to subsidize discrimination.

S. 557 would overturn the 1984 Supreme Court ruling in the case of Grove City College versus Bell, which substantially narrowed the scope of title IX of the Education Amendments of 1972. Title IX, which I helped to author, has provided women with equal opportunities once held at bay to them. These amendments received bipartisan support in their enactment in 1972, and they should receive bipartisan support in their enforcement 15 years later. The enactment of the Education Amendments of 1972 provided women with opportunities to partici-

pate in programs and facilities that they had previously been denied access to.

Since the enactment of the Education Amendments of 1972, our Nation has seen an increase in the number of women entering all sectors of the job market. The number of women who were conferred medical degrees in 1972 was 830 out of 9,253 total. In 1985, the number had risen to 4,874 out of a total of 16,041. This represents an increase from 9.0 percent to 30.4 percent. This is an increase of 21.4 percent—quite substantial. Law schools in 1972 conferred a total of 21,764 degrees of which females accounted for 1,498. Today they total 14,421 out of 37,491. That is nearly a 32-percent increase. Undergraduate degrees have shown over a 7-percent increase. Surely we can attribute much of this rise to the passage of these amendments guaranteeing women and girls equal access and equal opportunity.

In regard to the specific ruling of Grove City and its relation to title IX, the Supreme Court unanimously upheld that student aid reaching the college via Pell grants and guaranteed student loans constituted Federal financial assistance to the institution. The Court found, however, that the financial assistance was "program specific" and only the student aid office was bound to abide by the nondiscrimination tenets outlined in the education amendments. This narrow ruling on behalf of the Court essentially allowed the college to deny equal opportunities to women as long as they provided equal access and opportunity within their financial aid office.

The impact of this case was almost instantly seen and felt. In testifying before the Senate Judiciary Committee close to a year after the landmark ruling, then Secretary of Education Bell stated that the Department had been forced to drop 18 higher education and 4 secondary level discrimination cases due to lack of jurisdiction. The current number for fiscal year 1986 is 690 cases that have either been closed in whole or part, reviews dropped or narrowed because of the Grove City ruling. I do not believe it was the Court's intent—certainly it is not our intent—to permit discrimination to exist in any form within our educational system.

The Court ruling affects not only title IX of the Education Amendments of 1972, but substantially narrows 3 other statutes as well; title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. By enacting these statutes the Congress intended to provide an effective and permanent remedy against discrimination. The decision rendered by the high court in *Grove City* v. *Bell* severely narrows this intent. The Supreme Court found the statute to be "program-specific" and not "institution-wide," thereby severely constricting the definition originally intended by the legislators.

S. 557 seeks to amend the affected statutes by more clearly defining the phrase "program or activity." It says that institutions of entities receiving Federal financial assistance should in fact be mandated to adhere to the principals and guidelines set forth in these four statutes. We as legislators must prevent the continuation of discrimination in any form. By failing to enact S. 557 we will in essence be giving our nod to the practice of circumventing the intent of the law.

It is important that we as legislators send a strong message to the rest of the Nation which reaffirms our commitment to equal access and equal opportunity for all individuals. Support and passage of S. 557 accomplishes that goal. We must continue forward in our path toward equal education opportunity, not take a step backward. We must not permit Federal money to aid those who participate in discriminatory practices. It is important to note that no institution has lost any funds as a result of title IX complaints. Rather, complaints have been readily resolved after receipt by the Department of Education through negotiations with the parties involved.

There are many within our ranks who are trying to attach various amendments to this piece of legislation as well as twist the original purpose of this measure. This legislation seeks to restore coverage under the law to pre-Grove City status. It addresses an educational issue—the right of each individual in our Nation to have access to educational opportunities regardless of their sex, race, age, handicap, or religion. Furthermore, it clarifies congressional intent when title IX was enacted that an institution which accepts Federal funds shall treat women students and employees as equitably as their male counterparts in all operations of that institution. I hope that we as legislators can look upon the basic context of this legislation, which is to prevent the practice of discrimination, and not get bogged down amidst amendments that lose the original objective of this measure.

I encourage my colleagues to join the 58 cosponsors of S. 557 in the quick passage of this very important piece of legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I have already nearly a year ago spoken out in favor of the Civil Rights Restoration Act, the act before us today. Thus, I will not repeat those remarks except to say that I fully associated myself with the remarks just delivered by my distinguished colleague from Vermont. He very eloquently set forth the arguments in favor of this act, and I fully support what he has said and I commend him for the splendid leadership that he has given not only in this measure but a whole series of other civil rights measures that have come before this body during his long and distinguished tenure here.

It is my understanding, Madam President, that an amendment will be offered to this act that would in effect overturn the Supreme Court ruling in the case of the *School Board of Nassau County, Florida* v. *Arline.* I am opposed to such an amendment and will briefly set out my views.

In 1987, the Supreme Court held that a schoolteacher who had a history of tuberculosis qualified as "handicapped" under section 504 of the Rehabilitation Act of 1973. In finding that a history of tuberculosis did qualify as a handicap, the Supreme Court recognized that "society's accumulated myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment."

Unfortunately, the disabled are often more handicapped by society's preceptions than by their own physical impairment. The Arline decision itself cites many examples where persons with cerebral palsy, epilepsy, arthritis, and cancer were all subjected to discrimination because of unfounded fears of transmissibility, or merely because disfigurement caused discomfort in those making the hiring decisions.

Section 504 of the Rehabilitation Act provides that:

> No otherwise qualified handicapped individual shall, solely by reason of his handicap, be excluded from participation in, or denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance.

The emphasis behind section 504 and behind the entire Civil Rights Restoration Act is the same. This is the point of the act: When we as a nation give money to a program, Federal taxpayers' money goes to a program, we the taxpayer who are paying for this in turn ask that that program be conducted fairly, that it be conducted intelligently, and that it be conducted in an honorable fashion. Federal funds should not subsidize discrimination. That is all it says. That is what it is all about.

Let me digress for a moment and point out an important distinction—one that is missed often than not in the discussion of the Arline case. "Discrimination," as used in the act, and as it is used in the Arline decision, means just that: Discrimination means a baseless, irrational exclusion. Somebody is kept out for baseless or irrational reasons. Ms. Arline had a history of tuberculosis, which is a conta-

gious disease. But tuberculosis does not present a constant contagion. The generalization that once infected, always contagious, is groundless. It just is not so. The Supreme Court therefore qualified Ms. Arline as protected under 504; namely, she had a handicap, but the Court did not automatically conclude that she must be reinstated in her position, not at all.

There remained a factual determination to be made, a factual determination whether, first of all, was she qualified for the job. That in this case has actually been made. Yes, she was qualified for the job. She had the job. But the other factual determination was, was Ms. Arline indeed noninfectious? If she is infectious and going to injure other people, then, no, she is not qualified; but if she is noninfectious, yes.

Discrimination does not mean excluded for a medically sound reason. It is just the opposite: unless those who are ill, disabled, or mentally impaired are allowed a shot at this factual determination, the factual determination means, is there a medically sound reason for keeping the person out. And if there is not, then that is discrimination. And if they are excluded, kept out for unsound, for less than medically sound reasons, then they will continue to fall victim to ignorance. That is far more handicapping, as I said in the original part of my remarks, than their impairment. All the Arline decision does is give these people a chance.

When section 504 was enacted, Congress sent a message to all those programs that received Federal funds. Essentially, we asked them to "share with handicapped Americans the opportunities for an education, transportation, housing, health care, and jobs that other Americans take for granted." Americans who are mentally or physically disabled, or who have an illness, those with cancer, epilepsy, cerebral palsy, arthritis—the list goes on—have rights, freedoms, and responsibilities.

Sure, that is acknowledged they have responsibilities, but also they have rights and freedoms just like all other Americans.

Section 504, as interpreted by the Supreme Court in the Arline decision, protects those rights by cutting through the myths and misperceptions and requiring reasonable analysis and medical judgment, before we allow the exclusion of any American from a federally funded program.

To require sound thinking and fair dealing when it comes to one's livelihood, or one's education, or one's home to give that to all our citizens is the purpose of civil rights, and I do not think that is too much to ask.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. WIRTH). Who seeks recognition?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KENNEDY). Without objection, it is so ordered.

Mr. WIRTH. Mr. President, 23 years ago, President Johnson signed into law the landmark Civil Rights Act of 1964. The message was clear: The constitutional guarantee of equal protection would finally be given force of law—the Federal Government would no longer fund institutions that practiced discrimination on the basis of race or national origin.

Fifteen years ago, Congress enacted title IX of the Education Amendments of 1972, with the support of a number of our distinguished colleagues who still serve in this body, including the distinguished chairman. The message was clear: The Federal Government would no longer fund institutions of learning that practiced discrimination on the basis of gender.

In the following years, Congress broadened its efforts to ensure equal opportunity for all Americans by expanding the coverage of antidiscrimination laws to the elderly and the disabled. Once again, the message was clear: The Federal Government would no longer fund institutions that practiced discrimination on the basis of age or disability.

This is a history of progress—a history of which the Senate, we in the Senate, the Congress, and the American people, should be proud. Through this series of actions, Congress translated a fundamental ideal of the Constitution—equal opportunity for all Americans—into enforceable law.

However, that progress was brought to a screeching halt 3 years ago. When the Supreme Court handed down the Grove City decision, congressional intent and years of bipartisan enforcement practices were abandoned. By narrowing the scope of civil rights laws to cover only those specific programs directly receiving Federal funds, rather than the whole institution, the Court heralded a new message to federally funded institutions. It said, in effect, the Federal Government will continue to fund institutions that discriminate, so long as clever accounting measures or other devices ensure that the discriminating departments do not directly receive Federal dollars.

The Department of Education's reaction to this dictum was swift and alarming. Since the decision, over 600 cases of alleged discrimination have been closed solely because Federal funds could not be traced directly to the specific programs named in these complaints.

The congressional reaction to this reversal of traditional enforcement was equally swift. In the Senate, legislation to reinstate the original intent of Congress was introduced only months after the Grove City decision was announced. Impressively, it garnered the cosponsorship of 62 Senators from both sides of the aisle—including both the past and present minority leaders.

Let's consider what has happened to the Civil Rights Restoration Act since 1984, when the leadership of both parties supported its passage.

Most importantly, the intent of the legislation has stayed exactly the same in these 3 years. The bill has one straight forward goal: Restoring civil rights enforcement to its status before the Grove City decision. That is the simple and fundamental goal that united 62 Senators in 1984.

Unfortunately, passage of the bill in 1984 was stalled when opponents wrongly charged that the scope of Federal enforcement would be broadened by the legislation, and that abortion rights would be expanded by the bill.

Since 1984, the language of the bill itself has been made even more specific. For the sake of greater clarity, S. 557 alters only the definition of a "program or activity," rather than amending the definition of "recipient" as the 1984 bill did. As a result, the false claims that were leveled against the original bill—the same claims which have been resurrected against S. 557—are based even less on fact than they were in 1984.

Critics claim that S. 557 expands abortion rights. It does not. Long standing title IX regulations regarding abortion would not be altered in any way by this legislation.

Instead, these regulations would remain unchanged from the form in which they were promulgated by HEW Secretary Caspar Weinberger and the Ford administration 12 years ago. They would remain unchanged from the form in which even the Reagan administration has administered them without modification. Critics of S. 557 would have us believe that abuses of these regulations would run rampant if the bill were to pass. History tells us otherwise. In 12 years of pre-Grove City enforcement, none of these abuses ever came to pass.

Opponents insist that religious hospitals and universities would be forced by this bill to provide or fund abortions against their will. They would not. The bill clearly exempts any institution controlled by a religious organization, if the application of the law would conflict with the religious tenets of that organization. During 12 years of pre-Grove City enforcement

of title IX regulations, no institution has ever been denied such a waiver.

Since it was first introduced in 1984, the Civil Rights Restoration Act has been improved so that it clearly does only what it is purported to do—return civil rights enforcement to the status quo before Grove City. The great irony of this debate is that while the legislation has gained focus and clarity toward the goals endorsed by both sides of the aisle in 1984, it has, at the same time, lost support. Now, why is that?

Quite simply, opponents of the Civil Rights Restoration Act have succeeded in changing the terms of the debate. Rather than a referendum on our commitment to civil rights, this bill has somehow become a referendum on wholly unrelated issues.

Several amendments relating to abortion and religious organizations have been introduced. These amendments are not only unnecessary, but are destructive to the overall goal of the bill. For instance, one amendment, which purports to be abortion neutral, would repeal important regulations in force for 12 years which ensure that a woman cannot be discriminated against on the basis of having had a legal abortion.

If Senators wish to attempt to change these title IX regulations, there is nothing to stop them now; there has been nothing to stop them since the regulations were first implemented. They may do so in a host of other, more proper ways—ways which would not hold hostage the most important civil rights legislation of the decade.

The broad-based coalition of organizations, interests and Members of Congress that support this bill have made clear that they will request that the bill be withdrawn, should the Senate approve an amendment making any substantive changes to the affected civil rights laws—regardless of the arguable merits of those changes.

Let there be no misunderstanding, a vote for any of these killer amendments—which may sound good if you say them fast enough—before us is a vote to kill the Civil Rights Restoration Act. I reiterate—for this is the crux of the issue—a vote for any one of these amendments is a vote to cement in place a gaping and disastrous loophole in Federal enforcement of every civil rights law. It is nothing more and nothing less than that.

This debate is not about abortion rights. This debate is about recommitting ourselves to the ideals of equal rights and opportunities. This debate is about rededicating our Government to the elimination of discrimination in the workplace and in the classroom. This debate is about ensuring for future generations that our civil rights laws are more than empty and cynical promises.

A quarter century ago, Americans throughout the country fought long and hard for fundamental civil rights and simple justice. The need then for change in our civil rights laws was obvious and urgent. The need now may appear to be a little less obvious, somewhat better hidden. However, after the folly of Grove City, the need is no less urgent.

Mr. President, I urge all my colleagues to oppose all the amendments before us, and to support the Civil Rights Restoration Act in its unamended form.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WIRTH). Without objection, it is so ordered.

AMENDMENT NO. 1381

(Purpose: To repeal a certain proviso relating to cross ownership of newspapers and television stations)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1381.

At the end of the pending question, add the following:

SEC. . (a) The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further,* That none of the funds appropriated by this Act; or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communication Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100 Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communication Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100 Congress has made a determination of whether that material should be repealed.

Mr. SYMMS. Mr. President, the purpose of this amendment is very direct. It addresses what I consider to be a serious civil rights problem.

Mr. President, since S. 557 purports to be a civil rights restoration bill, it provides an ideal opportunity to redress an injustice which affects what may be the most basic civil right of all—the freedoms of speech and press guaranteed by the first amendment to the Constitution. This amendment will repeal a provision included in last year's continuing resolution which forbids the Federal Communications Commission [FCC] from considering waivers to the rule barring cross ownership of newspapers and television stations in the same market.

As has been widely reported, during the closing hours of the last session, the restriction on waivers was included during deliberations of the conference committee on the continuing resolution. Only a few Senators knew of the provision's existence. The measure was specifically targeted against two particular newspapers, the New York Post and the Boston Herald. These feisty newspapers are both owned by an individual—Mr. Rupert Murdoch—who also owns television stations in New York and Boston and is, therefore, subject to the FCC cross-ownership rules.

Mr. President, I offer this amendment. I do not impugn anyone's motives. Our colleagues all have reasons why they work on various provisions in legislation, and I do not in any way impugn anyone's motives for having included this in the bill.

But I do think that for the rest of us to allow this to happen without attempting to redress what I think was an error, an egregious violation of civil rights and the freedom of speech in this particular instance, would be a violation of our duties and responsibilities.

Mr. Murdoch was able to maintain his FCC licenses while he owned the two papers under existing waivers granted by the FCC. There is every reason to believe that he would have been able to obtain an extension of these waivers were it not for the furtive midnight measure designed to silence his critical voice.

Mr. President, this attack on the first amendment affects all Americans, and condemnation of that measure has been bipartisan. For example, the

Democratic mayor of New York, Edward Koch, cogently described the issues involved in an article he wrote in the Washington Post on January 6, 1988, where he said:

Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and the Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress.

Mr. President, I ask unanimous consent that Mayor Koch's article, published in the January 6, 1988, edition of the Washington Post, under the title "A Sneak Attack on the First Amendment," be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SNEAK ATTACK ON THE FIRST AMENDMENT

(By Mayor Edward Koch)

Since the earliest days of journalism, the press has been fighting for survival against the powers of oppression. The Sandinistas, for example, shut down La Prensa. But sometimes the enemy is closer to home.

Last month several members of the U.S. Senate launched a sneak attack on the First Amendment by furtively passing legislation that forbids the Federal Communications Commission from considering waivers to the rule prohibiting cross-ownership of a newspaper and a television station in the same market. The target of this underhanded assault on open government was Rupert Murdoch, owner of the New York Post and WNYW-TV in New York, and the Boston Herald and WFXT-TV in Boston. The purpose of the FCC regulation is to keep one owner from dominating competing news media. The purpose behind sneaking the FCC amendment through Congress was to avoid detection of an outrageous mugging of the public interest.

Instead of debating the issues on the Senate floor, thus giving New York Sens. Alfonse D'Amato and Daniel Moynihan a chance to express their opposition, Sen. Ernest Hollings of South Carolina acted in the dead of night. He introduced the anti-Murdoch legislation directly to a House-Senate conference committee. By the time our New York delegation discovered that Hollings had short-circuited the legislative process, it was too late.

For some strange reason, however, Hollings did remember to notify Sen. Edward Kennedy of Massachusetts that he was introducing a bill "aimed directly" at Rupert Murdoch, who would be forced to sell his papers in Boston and New York. Later it turned out that the trail of ink-stained footsteps led straight to Ted Kennedy's door and that he himself had encouraged Hollings to do what he did.

It's not hard to figure out why. Murdoch's Boston Herald, like his New York Post, generally supports the conservative end of the political spectrum. The Herald has been a constant critic of the liberal Kennedy. It's not surprising he'd like to see it sold to another owner. What is surprising, however, is that a staunch advocate of liberalism would subvert liberal principles in the name of hidden self-interest.

I happen to like both Rupert Murdoch and the New York Post. There are those who will cynically suggest that I am supporting Murdoch because he supported me. Let me make it clear that if this unfair action had been taken against the Amsterdam News—a paper that weekly calls for my resignation—I would respond in exactly the same way. The overriding issue is not whether you like the Post and the Herald. The issue is whether or not we are going to stand by and allow our freedom of the press to be abridged and abrogated by veiled manipulations in the back rooms of Congress. If a fascist gang broke into the Post and burned the building to the ground, we would be up in arms at this blitzkrieg against the press. Should we be any less concerned if the same result is achieved by secret deals in Washington?

Under previous regulations, the FCC had the latitude to make exceptions to the rule prohibiting one owner from running a broadcasting station and a newspaper in the same area. Such waivers recognized that conditions vary from city to city. In New York City, for example, the New York Times owns WQXR radio. The Daily News and WPIX-TV are both owned by the same company. These cross-ownerships are permitted because they were grandfathered in when the new FCC regulations took effect. Does anyone seriously believe that such ownership in any way constitutes a monopoly of the media? Of course not. We have dozens of radio stations and dozens of television and cable channels that represent every conceivable facet of public opinion. In such a market, worries about monopoly of the press are unwarranted.

The former FCC rule recognized that hard-and-fast laws against ownership of a newspaper are likely to be incompatible with the First Amendment of the U.S. Constitution, which guarantees freedom of the press. Waivers were appropriate when local conditions called for them. Rupert Murdoch was appealing for such waivers in New York and Boston. I think he deserves them. New York City has four daily papers to serve a population of more than 7 million. Among them, the four dailies cover the complete range of news stories and political viewpoints. Were we to lose any one of them, it would be a blow to the entire city.

It should be noted that the Post has been running a large annual deficit. Rupert Murdoch is keeping it going anyway. I think he deserves our thanks and gratitude. If the Post and the Herald succumb to this submarine attack from Washington, thousands of employees could lose their jobs.

I am calling upon every presidential candidate, Democratic and Republican, and upon President Reagan himself to urge Congress to reconvene immediately and undo this deplorable act. I will support no candidate—in either the primaries or the general election—who does not join in this defense of the First Amendment. I urge others to take the same stand.

The Kennedy-Hollings measure has defamed our legislative process and undermined our freedom of the press. The anti-Murdoch bill is a direct attack on a cornerstone of American liberty. It must be repealed. Let the FCC make its determination based on the merits of the case. Kennedy and Hollings should recognize the harm they have done and lead the effort to overturn their ill-advised legislation. Rupert Murdoch is an American citizen. The fact that he came from Australia does not mean he deserves to be the victim of a kangaroo court in the halls of Congress.

Mr. SYMMS. There may be many differing views in this body as to the validity or merits of the FCC cross-ownership rules, and I believe there is room for a difference of opinion. However, I think few members of this body would support the concept that those rules should be selectively manipulated by Congress to stifle targeted categories of speech, amounting to blatant legislative censorship. After all, the first amendment says that "Congress shall make no law * * * abridging the freedom of speech of the press."

But in the waning hours of the last session, unbeknownst to most of us, we did pass a law "abridging the freedom of the press." There is simply no other way to describe what the anti-Murdoch amendment did.

Some may argue that the Murdoch measure was simply designed to enforce rigorously the cross-ownership rules. But this argument fools no one. When the Supreme Court upheld the cross-ownership rules in a 1978 decision, it emphasized the importance of FCC discretion in applying the rule. The Justices stressed that "waivers are potentially available" where enforcing the rule could lead to closing down a newspaper. But the anti-Murdoch measure deliberately removes that critical discretion for the manifest purpose of censoring the views of two newspapers. Waivers were barred precisely because the Murdoch papers needed such a waiver.

A more blatant example of targeted, content-related censorship would be difficult to imagine.

Mr. President, the Grove City legislation is the first piece of legislation that has come before the Senate this session. This makes it the only available vehicle for as much as several weeks to cure the damage done by last year's amendment. I therefore urge adoption of my amendment.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. SYMMS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside so the Senator from Ohio may address himself to the basic bill before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, it is fitting that the first bill considered by the Senate in 1988 is the Civil Rights Restoration Act. It is probably even more appropriate that we do so shortly after this Nation has observed the birthday of Dr. Martin Luther King, Jr. I think our action bringing up this matter at this moment on the floor indicates the leadership's concern for the issue and shows a commitment on the part of the Senate leadership to address important and controversial issues this year.

Passage of this bill is long overdue.

I might say parenthetically that last night we heard the President address himself to the matters of the budget and the matters of legislation and appropriations bills being sent to him at the end of the session, talking about some of the procedures that occur in the Senate.

I have to say with no intent to be insulting that I think that the issue that has been made with respect to the present amendment may very well be a matter that this body is going to have to deal with at some point. But I do indeed regret the fact that an effort has been made to attach it to the Grove City bill, this matter that is so basic and so important to civil rights in this country.

This issue has been with us since the erroneous Grove City versus Bell decision by the Supreme Court in 1984.

That decision deprives women, racial minorities, older Americans, and the disabled of basic civil rights protection. The Civil Rights Restoration Act presents a simple issue. It is not a complicated issue. The question is, Do we continue to allow the Federal Government to underwrite discriminatory programs?

This is not an academic exercise. Real people are being denied their basic civil rights because of the Grove City decision. Last year a Federal court of appeals overturned a lower court ruling that Alabama maintained a discriminatory higher education system by favoring traditionally white schools with money and programs over traditionally black schools.

There is not a Member of this body who does not know that is wrong. I do not think there are many Americans who would think that it was right for the State of Alabama to favor traditionally white schools over traditionally black schools. We have tried to move forward since that day when we discriminated against the blacks of this country. We have tried to move to a point where every person in this country is entitled to an equal education, and we have tried to see to it that all will have an equal amount of dollars available.

So for that obvious inequity, that obvious unfairness, there was an effort to hit that issue—to meet that issue in the courts.

The court of appeals relied on the Grove City decision, the one we are attempting to change today. And the plaintiffs were forced to demonstrate discrimination on a program-by-program basis. Friends, you cannot compartmentalize discrimination. You cannot say that just one area of the school discriminates and therefore the rest of the school ought to get Federal dollars. That approach makes no sense. That approach has no reason. Neither Federal dollars nor State dollars should be permitted to be allocated on the basis of race. And if one part of an institution discriminates then the entire institution is tainted by that discrimination.

In 1986 another court of appeals dismissed a discrimination complaint by a deaf person with a mental handicap seeking educational assistance. Here is a deaf person mentally handicapped who goes to court to seek educational assistance. The court declared there was no claim under section 504 of the Rehabilitation Act because Grove City required program-specific proof of Federal funding.

It is time to end these injustices. We reported a clean bill with no amendments out of the Labor Committee and we had strong bipartisan support.

I understand that there are a number of amendments that will be forthcoming and we already have before us one of those amendments. That amendment has no relationship to what this bill is all about. And the other amendments that are being talked about and being circulated do not deal with the basic issue. I say raise the amendments. We can debate them and then vote on them. But let us not confuse the issue.

The Civil Rights Restoration Act is the most important civil rights bill of this decade. It is about restoring basic civil rights protection for millions of Americans. It is not about abortion. It is not about religion. It is not about small business. It is not about contagious disease. Yes, it is not about the question of whether or not a TV and newspaper owner can or cannot continue to own those properties. That is not the issue. Those are important issues where people have strongly-held views. But those issues have nothing to do with this bill.

What is at stake here are the basic civil rights that people marched for, fought for and, yes, even died for. The bill restores protection of those rights.

I urge all my colleagues to support the Civil Rights Restoration Act as reported by the Labor Committee without substantive amendments.

Mr. President, I suggest that absence of a quorum.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina. Will the Senator from Ohio withdraw the request?

Mr. METZENBAUM. I withdraw that request.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. I thank the distinguished Presiding Officer. I am very pleased that the Presiding Officer is the distinguished Senator from Colorado who had quite an experience on the matter I wish to discuss, namely the amendment of the Senator from Idaho, because I think if the Senator from Idaho understands the circumstances he will want to withdraw this particular amendment about Rupert Murdoch's civil rights.

Mr. President, I had no opportunity until yesterday in returning to the Senate from the Christmas break to get involved, you might say, in this inbroglio that has been going on relative to the New York paper, I think it is, and the Boston TV station. I thereupon on yesterday had a conference which, of course, has promptly not been reported. I have not found anything in any newspaper at any time. I had over a dozen reporters there. But I have not seen anything reported about it because I take it that they like what they have written and the editors do not want to have to take back the editorials about the "dark of night" and how things have happened in a very secretive fashion. Bluntly put, the truth is it happened at 10:30 in the morning a week before it was passed.

Let me tell you what is really involved about the so-called dark of night and the civil rights of Mr. Murdoch. My particular concern is that of the Federal Communications Commission. There is no question that we have a runaway animal in the FCC.

If you have been in the communication field, which I have for over 17 years on the subcommittee, as either chairman most of the time or ranking member, you have watched the FCC develop over the years into what, I happen to think, is a wonderful broadcast industry. It is the finest in the entire world. But the particular issue that the Senator and I have in mind about the sense of the Senate was promulgated by none other than by Dean Burch, in the Nixon and Nixon-Ford administration, supported by Richard Wiley, the Chairman of the FCC, until this crowd came to town and has been open season over there in getting rid of nearly any kind of rule and regulation.

I have had legitimate broadcasters come to me and say, "Senator, we have got to do something about it," ergo the matter of the antitrafficking provision. We have always had a provision

in the law that you should hold your station at least 3 years and with that antitrafficking provision we have had substantial broadcasters come into the broadcast field that were, as we characterize them, legitimately interested in the long range of improving and supporting the broadcast industry.

Now you are getting financial whiz kids coming in, fly-by-nights, hit-and-run drivers, who come and buy a station, fire all of the news staff to save money, make additional money by putting in five advertisements at the news break rather than three, causing what legitimate broadcasters call clutter and then having turned it into a high-profit operation, sell it off to some other unknowing, who thinks that they are getting a good deal, and as a result two dozen stations were bought and sold just last year alone.

That is what has been going on. Similarly, with children's television, the various rules and restrictions that they had with respect to children's advertisements are gone. The specific provisions with respect to the public interest in the relicensing are gone. Minority ownership has been opposed by this FCC. The FCC is an administrative arm of the U.S. Congress, not the executive branch. And we have, time and again, set forth admonitions and the FCC has in turn done exactly the opposite. The fairness doctrine is gone after 40 years of building up the character, the integrity, and the balance that we have had under the fairness doctrine and we have 18 former Federal Communications Commissioners, Republican and Democratic, bipartisan, saying that this has been the grossest error ever to happen at the FCC, all by administrative rule. We put in a proviso under the appropriations bill year before last to have a study about the fairness doctrine and instead of a study we got repeal. Now let us get to the particular point in mind as a general thing.

The particular point we had in mind year before last in 1985 when you talk about the "dark of night" and how things happen and they are not debated. You will see this has been a running fight. It is pretty good downtown Washington lawyer strategy and Rupert Murdoch strategy. But that is not the case at all. Back in 1985 in the reconciliation bill, not the dark of night, no one complained about it because they knew exactly what we had in mind.

We included language in the reconciliation bill observing the trend of this particular FCC. I read as follows:

> The conferees are concerned with Commission enforcement of the local cross-ownership rules, particularly in the light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest: Furtherance of the private interests of any applicant or license must be subservient to this purpose.
>
> The conferees expect the Commission to review such requests with greater scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration.

This is what we did in the bill you refer to.

We said 2 years ago:

> Any temporary waiver granted should be limited in duration to the amount of time necessary.

That was subsequent, I say to the Senator from Idaho, to an exchange that the distinguished Presiding Officer, who was then the head of our Communications Subcommittee on the House side, now the Senator from Colorado (Mr. WIRTH), had with the particular individual involved.

If I can get the attention of the Senator from Idaho, I am speaking seriously. This is not a laughing matter.

Here is a letter—when you are talking about dark of night in December—this is June 13, 1985, where Mr. TIMOTHY E. WIRTH was addressed by Mr. Rupert Murdoch.

If the Senator from Utah will also listen, I would appreciate it very much, because he will understand it was not any dark of night, and this has been a situation going for quite a while.

I quote Mr. Murdoch:

> I am writing as a followup to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules and the acquisition of the Metromedia broadcast licenses.
>
> In view of your longstanding commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports, that my application for assignment of Metromedia licenses will not seek a permanent waiver of the FCC cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties. The application is now being drafted. We will keep you informed of the progress.
>
> Thank you for your continued interest.
>
> Sincerely, Rupert Murdoch.

That is what he addressed to the distinguished Presiding Officer when he led the communications effort on the House side. When this language was added, I was not even thinking about New York. I was thinking, generally speaking, of the cross-ownership rule.

Mr. Murdoch is not conforming to that representation in that letter about not getting a permanent one.

On the other hand, he is financing a foundation known as the Freedom of Expressions Media Foundation. That Freedom of Expressions Media Foundation was formulated a few years back and we can get into that, about the fairness doctrine.

Before I put this in, I want the attention of the Senator, if I can get it.

In November, the Freedom of Expressions Foundation petitioned the FCC for what? Not for a waiver. For repeal of the cross-ownership rule.

I had been hearing, and staffs talk to the FCC, and people follow this, and it has been said that there have been various offers with respect to these particular properties; but the gentleman had written the letter, saying he did not want any permanent waiver and he was going to conform, or now working through this particular foundation in order to abolish the rule.

So here I am with the responsibility, and our particular committee watching all these things come crumbling down over the years, having built up the integrity of broadcasting, about to do away with the cross-ownership rule. Everybody in Idaho has complied with it; everybody in South Carolina. Joe Albritton and the Washington Star had to comply. We know about the Washington Post. It had to sell a TV station here. All of them have complied.

When there was question about the constitutionality and freedom of press, there was an 8-to-0 Supreme Court decision back in 1978 that found just exactly that. The rule was not only in conformance of it but in support of freedom of press. That is exactly what the Court found. We had that argument out. It has been argued in the most superior of all particular bodies—namely, the Supreme Court of the United States. We can reargue that right now, about the freedom of the press. They had the best of lawyers.

So the Court was upholding the cross-ownership rule, and the gentleman was setting us up for one of these repeals like we got with the fairness doctrine.

I wish the Senator would refer to it. It is in page 33 of the continuing resolution. On page 33, I list a lot of things. It was not the dark of night. I am trying to catch a runaway Federal Communications Commission. It reads:

> For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-02); not to exceed $300,000 for land and structures; not to exceed $300,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses: purchase (not to exceed ten) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $99,613,000, of which not to exceed $300,000 of the foregoing amount shall remain available. * * *.

Then we put in all these particular restrictions, if the Senator from Idaho would refer to the particular section he is referring to in his amendment:

> That none of the funds appropriated by this Act shall be used to repeal, to retroactively apply changes in, or to continue a re-

examination of, the policies of the Federal Communications Commission with respect to comparative licensing, distress sales and tax certificates granted under 26 U.S.C. 1071, to expand minority and women ownership of broadcasting licenses, including those established in Statement of Policy on Minority Ownership of Broadcast Facilities, 68 F.C.C. 2d 979 and 69 F.C.C. 2d 1591, as amended 52 R.R. 2d 1313 (1982) and Mid-Florida Television Corp., 60 F.C.C. 2d 607 Rev. Bd. (1978), which were effective prior to September 12, 1986, other than to close MM Docket No. 86-484 with a reinstatement of prior policy and a lifting of suspension of any sales, licenses, applications, or proceedings, which were suspended pending the conclusion of the inquiry: *Provided further,* That none of the funds appropriated to the Federal Communications Commission by this Act may be used to diminish the number of VHF channel assignments reserved for noncommercial educational television stations in the Television Table of Assignments * * *

Then I cite the section of the code under the Federal regulations:

[*Provided further,* That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:] *Provided further,* That no funds appropriated to the Federal Communications Commission shall be used prior to March 22, 1988 to accept or grant any applications to construct or operate cellular systems in rural service areas.

Now, for example, the last one, I say to the Senator, on rural service areas, he is interested in that and I am interested in that, and what has been happening is the FCC put in a lottery system. The advertisements are going on in downtown Geneva, Switzerland, where anybody and everybody you all come and just fill out the papers and there is no financial test and anybody can come and anybody can get that license and, of course, they have no idea of operating that system, and then they go around to the legitimate ones and for a premium then they have to pay the money out, and it does not go really to expanding the system, but it is a shakedown and we wanted to stop it. That is why we put that thing in with respect to the FCC and the sale of cellular licenses because we have the FCC using lotteries without requirements, financially or otherwise with respect to experience.

The VHF stations—they have been trying to do away with our public broadcast—VHF station. We reserved a few of them in the original act and allowing them to be sold off for a lot of money just to get programming because we have strapped public broadcasting in the Congress over the past several years.

This particular provision, I say to Senator SYMMS, was put in at 10:30 on the morning of the 15th, not in the "dark of night." We did not vote on it until December 22. It was put in the presence, if you please, of everybody connected with the particular markup. Senator RUDMAN was there. I advised him. Of course, when he saw it, I said "You know, this is in the Boston area, I think, and it transfers over into your particular viewing and hearing audience or newspaper readership, whichever it is in New Hampshire, because we have campaigned up there."

He knew about it.

The distinguished chairman on the House side, NEAL SMITH knew about it, and I am told later he checked it with his Members on his side and also Mr. ROGERS, the Republican Member there, and they must have had a good 8 to 10 staffers there, so it was not secreted in the dark of midnight at the last minute. It was in there for a solid week. It was in there for a solid week, and it has been an ongoing struggle because they know downtown, their Washington lawyers keep in touch with us and everything else of that kind, and they have been the ones who have been edging up to not just another waiver but permanent repeal.

And that is what your committee wanted to do in charge of communications and I hope the entire Congress wants to do, to not characterize this thing as a sneak operation at midnight, the last minute, not thought out and not justified. It is the most justified procedure I know of and the only way you can take an administrative body and bring them in line, and you can go throughout the bill and we did a lot of things that way. Contra aid never appeared in the House bill. Contra aid never appeared in the Senate bill, but at the President's request in the "dark of night," if you want to characterize it, it was brought in and not in either bill to bring it in the last minute. Of course, we know it was not in the "dark of night" and we debated it fully.

We would be glad to debate this. I was ready to put it in the appropriations bill.

When we came to the continuing resolution markup of the appropriations bill the distinguished Senator from Mississippi, our chairman, said no amendments. He wanted to put in a policy of no amendments whatsoever. And as a result, I had to hold off and put it in then when we marked it up. I was not thinking at the time frankly of any kind of sneaking in, and I was glad to try to take credit with my distinguished colleague from Massachusetts, Senator KENNEDY. When he talked to me he said "Don't sweat it; it is a good idea. I will get it in there."

I already had an idea of putting all these things in.

As a politician we like to get a little credit from our fellow Senators. So I was doing that. But the truth of the matter is I was trying to get to a runaway FCC. If you want to get on his side, more power to you. They have the Washington lawyers and they have the money and they spend out a month of editorials, got demonstrations going on, and everything else of that kind.

I think it is deplorable. You can buy a Congress if you want to. Yes, you can get a foundation, get your money spewed out the editorials and lampoon everybody. But the "dark of night" and midnight and everything else is absolutely false. They never asked me, any of those writers who are spewing this out, including my local newspapers and they have asked that my local newspaper when I got home this week they said "Why don't you write an op/ed piece and we will publish it?"

I will have it ready I hope by the "dark of night" tonight and I will start mailing it out to everybody so they will get the truth of exactly what happened.

I welcome the opportunity from the Senator's amendment to get the sense of the Senate because I would like to get the sense of the Senate.

If they want to do away with all the rules and restrictions on broadcast properties which is brought about the finest of broadcast rules and been adhered to, all upheld in the name of freedom of the press, done legitimately. I do not know any way else I am going to put it in, with everybody in the open daylight at 10:30 in the morning a week ahead of time, then so be it.

But the Senate should not be misled about this ancillary fight that is going on with Mr. Murdoch and my distinguished friend who is more than able to handle himself, the senior Senator from Massachusetts. I am glad to be his friend. I am glad of his interest in this.

I just want the Senator to know that this carries back long ago. I am sure the Senator from Colorado will have a word to say on this. We have been working together, the House and the Senate. The broadcast owners know about this. They understand it. They have adhered to it. And they have taken it up and they have found it constitutional for us under an 8-to-0 decision.

So I have some other things to say about some of these articles, but let me look specifically at the Senator's amendment if I can get a copy of it.

As I see it here, the third proviso under the heading "Federal Communications Commission" and then it quotes that part that we have read here about the FCC and cross ownership.

(b)(1) The Senate finds (A) that there remain serious first amendment questions concerning the constitutionality of the aforementioned proviso * * *

Now I say to the Senator there is not any serious question about the first amendment on an 8-to-0 bipartisan decision, if you want to call in the court about its appointees. There is no serious question over on the House side. There never has been on this side. Cross-ownership has been sustained and I hope in this pandemonium of a rush around here to get the group of Murdock and his money and take over that we will sober up and understand what is at issue here.

(B) That the procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions.

Absolutely false. They had a whole week. We can debate it at any time as we are debating it now.

Violations of the Senate rules—that is outrageous nonsense.

I was here the particular time when we passed the continuing resolution and the distinguished Senator from Washington took the floor and he got up the piles of paper as the President did last night. He said it weighed so much and so many pages and such a stack so high and how can we know, and the distinguished senior Senator from New Mexico and ranking member and former chairman of the Budget Committee said we have gone over this line by line. Other Members got up and said we have been checking it, minority and majority, line by line.

I am not trying to say that there is not any rabbits in the bill. I have been in the legislative process 40 years. There will always be rabbits in the bill.

This was not a rabbit. This was intentional to sustain the constitutional finding of the Supreme Court on freedom of the press and what the Republican leadership of the FCC has given us, Dean Burch and Dick Wiley and all the rest, until we got this runaway group in Mark Fowler. He said at his retirement party: "The greatest gift I gave to anybody as Chairman of the FCC was an 18-month waiver to Rupert Murdoch." And everybody clapped and said "Whoopee." That is the way we are doing business—cash and carry downtown at the Federal Communications Commission.

I want to stop it. I want to stop that nonsense, Senator. This sense of the Senate is totally out of place. You did not talk to me before you put it in. I am the one involved. I will take full responsibility for putting it in.

As I was leaving the country, there was a reporter named Jones from the New York Times who called me. I wrote it and I tried to explain that to him. He acted like it was some kind of a sneaky case or whatever it was. I said, "Oh, no, I take full responsibility." He did not print that.

(c) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

We had a hearing. There was little opposition on this particular matter. We had the hearing in July. We put in a bill, the distinguished Senator from Hawaii and I, which is called the Broadcast Improvement Act. We introduced it in May of last year, 1987. We had hearings in July and no one appeared in opposition to it. This is in there. We have been heard. We have been going along with the rightful procedures.

But when you see this Freedom of Expression Foundation sneaking in in November when we are all involved in Contra aid, the fairness doctrine, and all those other things that we were working on until the wee hours of the morning trying to reconcile a measure, then you have to act and you have to move.

We had been using the regular procedures and you were welcome to come and testify to the committee on our Broadcast Improvement Act. But it is no sneak. It is out in the open daylight and we have had testimony about it.

Paragraph 2:

It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination * * *.

That sounds interesting, but it would have to be retroactive now. They have already acted. They have complied and there has been a legal proceeding. As a result, a judge's order on yesterday gave 45 days, after the court rules, to Murdoch. He has lawyers. You do not need any Senator from Idaho to come in here with this nonsense about it being against the rules of the Senate and all of that. I have been up here for 21, now going on 22, years, and I have never heard that before on any legislation that I put in. I can tell you that right now about the rules of the Senate. This is done in conformance with the rules and I resist and resent any implication otherwise.

Murdoch is defended. He went to court already. He knows how to get injunctions on the spurious nonsense of some constitutional provision that provides only to him.

I was after the FCC, and he knows it. I was after that particular provosion, amongst other provisions, and I have read them out to you. It was a general halter to be placed upon a runaway Federal Communications Commission.

I have other editorials—well, I have a stack of them here—to refer to when we get into the debate if you want to get into it more fully.

But I wish the distinguished Senator would seriously consider this, now that he has heard from the author of this particular provision and how it occurred in the broad daylight of morning at 10:30 in the morning with everybody interested sitting around and all the staffers there and checked out in that particular area. I do not know anything else to do.

The Senator and I have worked on all these committees, and we were all working and marking this up. It is in my bill, and we have had a hearing on it in July. We hope to mark that bill up and have another hearing if the gentleman wishes. But nobody appeared in opposition to the cross-ownership rules, other than this sneaky operation of Rupert Murdoch.

Now, I found out that the prevaricator and the manipulator has gotten the high road of the headlines and editorials and the chairman of the Commerce Committee—doing an honest job trying to protect the broadcast industry, because I do not own any property or have anything in here, other than my track record for integrity and doing a good job on communications—I am the one trying to be charged in a sense of the Senate about violating the rules. That is outrageous nonsense. I wish I had talked to you ahead of time because you and I have been good friends and on the same side of many, many issues. But I can tell you here and now if you had heard from me on this one, you would have known how it happened.

I was glad to put it in. I defend it and I think that is the majority sentiment of the U.S. Congress, both in the House and the Senate.

Mr. KENNEDY. Mr. President, there has been a great deal of discussion in recent weeks about the provision that Senator HOLLINGS and I added to the continuing resolution. Our action was designed to preserve the Federal Communications Commission's so-called cross-ownership rule, which prohibits broadcasters from owning newspapers in the same community.

The cross-ownership rule is a cornerstone of the first amendment and free speech. It helps to ensure diversity of expression in our modern media-dominated society. It has been widely accepted in recent years, and it deserves to be continued—and obeyed.

The fundamental question is whether Rupert Murdoch is entitled to thumb his nose at that law and become the only newspaper publisher in America who can buy a television station and keep his newspaper in the same community.

Mr. Murdoch was well aware of the law when he acquired his television stations in Boston and New York. He had a choice then, and he has a choice now. He can keep his newspaper—or he can keep his broadcasting station. But he cannot keep them both. That is the law, and that is the way the law ought to be. I'm defending the first amendment principle. The principle is right—and Rupert Murdoch is wrong to try to change it. Instead of attacking me, he should try to explain why he thinks he's entitled to an exemption from the law.

Mr. Murdoch is one of the most powerful publishers in the world, and he has been using those powers to ignore the will of Congress, subvert the FCC, and evade the cross-ownership rule.

At the same time, I want to emphasize that the amendment was not directed specifically at Mr. Murdoch or his waivers, but at all persons who would be similarly situated, and at all waivers, now or in the future, in situations where persons such as Mr. Murdoch would be seeking to evade the cross-ownership rule by obtaining a permanent exemption in the guise of a series of temporary waivers.

The present controversy began in 1985, when Murdoch decided to branch out from publishing into television and negotiated the purchase of the Metromedia television stations, which he has now developed into the Fox Television Network. In three of the cities where he purchased TV stations—Chicago, Boston, and New York—Murdoch also owned newspapers, and his purchase of the stations brought him into conflict with the cross-ownership rule.

At the time he acquired the stations, the FCC gave Murdoch temporary waivers to sell the three newspapers involved—the Chicago Sun Times, the Boston Herald, and the New York Post—in order to bring himself into compliance with the cross-ownership rule.

The waivers were of unprecedented duration—2 years in the case of the Chicago Sun Times and the New York Post, and 18 months in the case of the Boston Herald. Murdoch sold the Chicago newspaper within 4 months, and that publication is not an issue now. However, he made no apparent effort to sell his newspapers in New York and Boston. He simply allowed the time to run, and as the deadlines approached, he began a series of maneuvers to persuade the FCC to abolish the cross-ownership rule, or at least extend his waivers indefinitely, in order to keep both his newspapers and his television stations in Boston and New York.

As a member of the Senate Judiciary Committee, I have followed newspaper antitrust issues for many years. I was also familiar with the cross-ownership issue, which is within the jurisdiction of the Commerce Committee, and I was well aware of Murdoch's effort to subvert the rule. After the Senate's unsatisfactory experience with the FCC and the Fairness Doctrine last year, it seemed clear to me that if Congress did not act, the FCC, in the guise of deregulation, would buckle to Murdoch's pressure and abolish the cross-ownership rule.

Last October 15, the Senate passed its version of the Commerce-Justice-State-Judiciary-related agencies appropriations bill. The appropriation for the FCC in that legislation included two specific limitations on the agency. One prohibited the FCC from relaxing its rules encouraging ownership of broadcasting stations by minorities and women; the other prohibited the agency from going along with so-called UHF-VHF swaps, in which profitable commercial UHF stations have been leaning on financially hard-pressed VHF public television stations to swap channels.

At the same time, the Murdoch interests were intensifying their pressure against the cross-ownership rule. An organization often regarded as a Murdoch front, the Freedom of Expression Foundation, petitioned the FCC to repeal the rule. It was widely anticipated that Murdoch would go in behind this petition and ask the FCC to extend his waivers to sell the New York Post and the Boston Herald until any new FCC proceedings on the cross-ownership rule were completed.

In these circumstances, I went to Senator HOLLINGS and urged him to save the cross-ownership rule. Senator HOLLINGS agreed completely with my position on the issue, and he added a provision to the continuing resolution to accomplish this purpose.

Some have questioned our tactics in enacting this provision. I would just make two points here.

First, the provision was not a midnight special—it was added to the continuing resolution on December 15 as part of the ongoing Senate-House conference negotiations. As of that date, the text of the provision was available and remained available throughout the entire week leading up to final House and Senate approval of the conference report in the early morning hours of December 22. Senator HOLLINGS and I did not advertise the amendment, but we did not attempt to conceal it, either.

Second, Congress was already considering other restrictions on the FCC in appropriations bills and it is hardly a surprise that an additional restriction was added. In fact, our amendment was added to the other limitations on the FCC already approved by the Senate on October 15 in the regular FCC appropriations bill. Senators, Congressman, and the administration had been on notice for 2 months that the Senate and House, burned over the Fairness Doctrine, were using appropriations bills as a means to require the agency to comply with the will of Congress.

With respect to the merit of the cross-ownership rule itself, a long-standing principle is at stake. The Communications Act of 1934 established the basic power of the Federal Communications Commission to grant broadcasting licenses in the "public interest, convenience, and necessity."

In a key decision in 1945, the Supreme Court interpreted public interest as including the widest possible dissemination of information from diverse and antagonistic sources. *Associated Press* v. *United States*, 326 U.S. 1, 20.

For almost two decades, until the present controversy, the FCC has been emphasizing diversity, applying increasingly strict rules to prevent media concentration and encourage diverse sources of information for the public.

As early as 1965, the Commission stated that one of its primary objectives was the minimum diffusion of control of the media of mass communications, since diversification of control is a public good in a free society, and is additionally desirable where a government licensing scheme limits access by the public to the use of radio and television facilities.

The cross-ownership rule itself was first proposed in 1970 by a Republican FCC under Chairman Dean Burch. It was adopted in 1975, after an unprecedented 5-year rulemaking proceeding, by a Republican FCC under Chairman Richard Wiley. As the Commission stated in its 1975 opinion:

> If our democratic society is to function, nothing can be more important than insuring that there is a free flow of information from as many divergent sources as possible * * * [I]t is unrealistic to expect true diversity from a commonly owned station-newspaper combination. The divergency of their viewpoints cannot be expected to be the same as if they were antagonistically run.

In the rule adopted in 1975, the ban on newspaper-TV cross-ownership was made prospective; in order to avoid undue disruption of the industry, it applied only to new acquisitions. In general, the rule grandfathered existing cross-ownership arrangements and did not require divestiture of existing newspaper-broadcasting combinations; however, in 16 specific cases, where the only TV or radio station owned the only newspaper in a community, the FCC did require divestiture.

The cross-ownership rule and the grandfather clause were challenged in the courts. In 1977, the D.C. Circuit sustained the rule but rejected the grandfather clause and ordered divestiture of all newspaper-TV combinations.

In 1978, the Supreme Court unanimously—8 to 0—sustained the rule, but

reversed the D.C. Circuit on the grandfather clause, on the ground that divestiture would be too disruptive to the broadcasting industry. *FCC* v. *National Citizens Committee for Broadcasting*, 436 U.S. 775 (1978). Justice Marshall's opinion contains a detailed analysis and history of the cross-ownership rule. His opinion specifically reaffirmed the Associated Press decision in 1945 with its emphasis on the need for diversity in sources of information. The opinion categorically rejected a first amendment challenge to the cross-ownership rule, and makes clear that both Congress and the FCC have ample constitutional authority to promote the first amendment goal of diversity of expression by restricting the ownership of broadcasting stations by newspapers.

In 1980, responding to an effort by broadcasters to head off continuing pressure for across-the-board divestiture, the House of Representatives adopted the Communications Cross-Ownership Act by a vote of 310 to 97. That bill codified the FCC rule and the grandfather clause. It died in the Senate, but its purpose was achieved—there is no significant pressure today to require divestiture of the grandfathered newspaper-broadcast combinations. But that is no justification for relaxing the rule now to permit new combinations, as Rupert Murdoch is seeking.

It is true that under the grandfather clause as it applies to New York City, the New York Times was able to continue to own an AM and an FM radio station—WQXR-AM and FM—and the Tribune Co. continues to own the New York Daily News, a TV station, Channel 11, and a radio station, WPIX-FM. But those grandfather arrangements are hardly unfair to Rupert Murdoch. No new cross-ownerships have been permitted in New York City or any other city in America since 1975, and there is no justification to carve a special interest loophole in the law for Mr. Murdoch.

Murdoch ran afoul of the cross-ownership rule because his TV stations in Boston and New York City were purchased in 1986, at a time when he owned newspapers in both cities. The FCC granted temporary waivers for Murdoch to bring himself into compliance with the rule. The waivers expire on March 6, 1988, for New York City and on June 30, 1988 for Boston.

Congress has learned the hard way to be skeptical about anything Mr. Murdoch says or does, and we have also learned the hard way to be skeptical about whether the FCC is willing to stand up to him and apply the same rules to him that it applies to everyone else. Murdoch should never have received a waiver in the first place, let alone a waiver for the unprecedented period of 2 years. Instead, he should have used the 6 to 9 month period in 1985—while his application to purchase television stations for the Fox Network was pending before the FCC—to bring himself into compliance with the cross-ownership rule by disposing of the newspapers. Instead, he obtained a 2-year waiver, and now he wants to make it permanent.

Congress was well aware of Murdoch's intentions from the beginning. At a House hearing in July 1985, Senator WIRTH, who was then chairman of the House Subcommittee on Telecommunications, had an angry exchange with FCC Chairman Mark Fowler over the agency's reluctant enforcement of the cross-ownership rule and its promiscuous grants of waivers of the rule.

In December 1985, as the controversy continued, Congress included a provision in the continuing resolution of that year, strongly admonishing the FCC to enforce the rule and restrict its waivers to the public interest. As the conference report on the resolution explained:

CROSS-OWNERSHIP RULE WAIVERS

The conferees are concerned with Commission enforcement of the local cross-ownership rules, particularly in light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest; furtherance of the private interest of any applicant or licensee must be subservient to this purpose.

The conferees expect the Commission to review such requests with great scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration to the minimum amount of time necessary.

At the time he obtained his unprecedented waivers, Mr. Murdoch was less than candid about his intentions. In January 1986, in an effort to mollify Congress and defuse the public controversy over the FCC's extraordinary action, he issued a clear statement denying that either he or his agents were seeking a permanent waiver from the FCC cross-ownership rules. Murdoch said then:

We stand by and reaffirm representations we made to the FCC. We do not seek an extension of our two-year waiver. There is no basis in fact to recent press reports suggesting otherwise.

That is not the end of this sorry story. At Mark Fowler's farewell party as FCC Chairman, he boasted that his greatest giveaway as chairman was his gift of the 2-year waiver to Rupert Murdoch. Mr. Fowler now claims that the remark was made in jest—but the joke is on the public.

And in 1986, a key aide to Mr. Fowler at the FCC, Tom Herwitz, who had been deeply involved in negotiating media concentration issues, went to work for Murdoch at Fox Television. So much for integrity at the FCC. The agency had been captured lock, stock, and barrel by Rupert Murdoch, and it was long past time for Congress to step in.

Opponents of the cross-ownership rule argue that in recent years, there has been an explosion of new sources of information—new TV stations, new radio stations, and cable TV—and that with this abundance, the rule is no longer needed.

But TV stations remain scarce privileges. There are not available TV channels in the top markets. The number of powerful VHF channels is fixed and cannot be significantly increased—there were 508 VHF stations in 1970, and 518 in 1980. That is why VHF stations sell for half a billion dollars in the largest cities. If a VHF channel opened up in any of the top 50 markets, where over 75 percent of the U.S. population resides, there would be a dozen applicants for it.

The principle of diversity is as valid today as it was in 1970, when the FCC first began its cross-ownership proceeding, or in 1975, when the rule was finally promulgated. The American people obtained their information primarily from television and newspapers. According to a Roper poll, 67 percent get their news from TV—and about 50 percent obtain if from newspapers—the total exceeds 100 percent because the sources of news overlap. These powerful media should be in separate hands. Newspapers can still own TV stations, but not in the same community.

Congress itself has recently stressed the importance of diversity. In 1982, we permitted the FCC to use a lottery for low-power TV stations—called beltway stations because they reach about 15 miles—only if the lottery is weighted in favor of applicants who did not own other media. If the diversification principle applies to thousands of low-power TV stations, it clearly should apply to the much scarcer and more important full-power TV stations and daily newspapers.

In the 1984 Cable Act, Congress again emphasized the need for diversity. We barred local cross ownership of TV and cable. Again, since newspapers are more powerful than cable as sources of information on local issues, it is obvious that the cross-ownership rule should continue to apply to newspapers.

Opponents of the rule also argue that it leads to the death of unprofitable newspapers that could otherwise be subsidized by lucrative local TV stations.

But that argument is nonsense. It has no economic justification. No one wants to see newspapers go out of business. But there are no economies of scale in newspaper-TV cross ownership. The papers and stations are run separately with respect to both news and advertising. And where, as in

Boston, the newspaper is used to promote the TV station, the effects on competition are unfair.

If the issue is subsidizing an unprofitable newspaper to keep it in operation, the subsidy can come from other sources, without violating the cross-ownership rule. The rule did not cause the death of the Washington Star. If Joe Albritton had wanted to subsidize the Star, he did not need to own Channel 7 in Washington to do so. He could have swapped it for a comparable channel in another city, just as the Washington Post did with Channel 9 to comply with the rule. Instead, Albritton sold the Star to Time magazine, which had deeper pockets than he did. In the end, Time folded the Star because of its large continuing losses. It is difficult to believe that Albritton would have kept absorbing the losses, and it is absurd to blame the failure of the Star on the FCC or the cross-ownership rule.

All of us in Congress are well aware of what is going on at the Reagan Federal Communications Commission. Ideology is dictating policy, and deregulation is running amok.

Earlier this year, the agency acted unilaterally, against the will of Congress, to repeal the longstanding fairness doctrine, which requires broadcasting stations to air both sides of controversial issues. When Congress tried to rewrite the doctrine into law, President Reagan promptly vetoed the legislation—and then threatened to veto the entire continuing appropriations bill at the end of the session last month if the bill contained the fairness provision. So now we have no fairness doctrine, and the public interest is the poorer because of it.

The FCC was also proposing, as I have mentioned, to do away with policies fostering minority and women ownership. It was willing to see commercial broadcasters lean on public TV stations to exchange their VHF channels for UHF. Congress stopped these trends that are against the public interest, and we were right to do so. For the same reason, we acted to halt repeal of the newspaper-TV rule.

In 1984 and 1985, the FCC had eased another aspect of the anti-monopoly rules by raising the national limits on TV-FM-AM ownership from seven stations in each category (the so-called 7-7-7 rule) to 12 stations. At the time, the agency said that what is important is the local cross-ownership rules. But in 1987 it began taking aim at eliminating the local rules, first for radio-TV, and then for newspaper-TV. The FCC simply isn't trustworthy in this area, and Congress was right to act.

The provision added to the continuing resolution preserves the existing law. If the cross-ownership rule and other important media first amendment and antitrust laws are to be changed at all, they ought to be changed by Congress, not by a bureaucratic agency bent on end running Congress to implement an ideological agenda.

That was the situation when I went to Senator HOLLINGS. The signals were abundantly clear that history was about to repeat itself. The FCC was about to do again what it had already done to the fairness doctrine, and repeal the basic rule that prohibits media cross ownership. Congress had been burned once by the FCC, and Senator HOLLINGS and I were not about to be burned again. So we took the only practical step available to us.

Finally, let me make one other point. The issue is a fundamental first amendment and antitrust principle. I have no vendetta against the Boston Herald or the New York Post. I may not always agree with their editorial boards or their news coverage—but I do have genuine respect for the papers, their journalists, and their employees. But Rupert Murdoch does not deserve an exemption from the cross-ownership rule—and it would be wrong for Congress or the FCC to give him one.

AMENDMENT NO. 1382

(Purpose: To repeal a certain proviso relating to cross ownership of newspapers and television stations)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1382 to the Symms amendment numbered 1381.

Mr. NICKLES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after "(a)" the first time it appears and insert in lieu thereof the following:

The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: *"Provided further,* That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

(c) The provisions of subsection (a) of this section shall take effect one day after enactment.

Mr. HECHT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HECHT. Mr. President, I ask unanimous consent that the Symms amendment be temporarily set aside so that I might make a statement.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SYMMS. Reserving the right to object, I say to the distinguished manager of the bill, I think the Senator from Nevada wants to speak on the Grove City bill the same as Senator METZENBAUM did.

Mr. KENNEDY. I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

The Senator may proceed.

Mr. HECHT. Thank you, Mr. President. Thank you, distinguished Senator from Idaho.

Mr. President, I rise today in opposition to S. 557, the Civil Rights Restoration Act. While my objections are many, one of the major reasons I am opposed to this legislation concerns the expanded role that the Federal Government would take on if S. 557 were enacted and the burden this would place on the business community. This bill, it is clear, will only increase that burden.

Because S. 557 expands the scope of current law, I believe that if this legislation is passed, there will be some very negative results. Business representatives have indicated that companies would be less willing to participate in activities such as Federal job training programs if Federal regulation under these statutes are applied to them more broadly than they were before Grove City. Their concern has nothing to do with discrimination. It

simply has to do with the vastly increased time and expense required to comply with the full range of Federal regulations that will result from expanded coverage.

Under this legislation, Mr. President, any corporation which receives Federal funding will be dramatically impacted. For example, if a business receives Federal aid of some sort, every division of that business would be covered. As well, if a small, private organization is not covered, yet one of its facilities is, that one facility, and all others associated with it are covered.

Mr. President, there are additional examples of overbroad coverage under this legislation but I want to outline one other that I think is important. The Federal Government is a major benefactor of each State in this Union. I believe in States' rights yet, under this bill, if a State service organization receives Federal assistance for a particular program, not only is that program covered, but the entire unit and all other State or local units are covered as well. Such coverage did not exist before Grove City. Similarly, if the national headquarters of a social service organization receives Federal aid for an activity, all local chapters will be covered. This broad coverage will discourage participation by the private sector in Federal social service programs.

Mr. President, I believe that the Civil Rights Restoration Act will only serve to harm the private sector in our society while increasing the sphere of the Federal Government. The sponsors of this measure have acknowledged that this will be the result if this bill is enacted, even though much testimony given during committee consideration made clear that this was not the situation prior to the Grove City decision. Before Grove City, coverage in the private sector applied only to the specific program receiving federal funding. Mr. President, if these provisions dealing with expanded coverage of the private sector cannot be dealt with in some rational way, I will certainly vote against this measure, and I will encourage my colleagues to do likewise.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to preface my remarks by saying that there is probably no other Senator in this Chamber whom I have more admiration or respect for than the distinguished Senator from South Carolina, the chairman of the Commerce Committee. I do work with him on many issues and expect to continue to do so. And I think that Senator HOLLINGS has made a very cogent point here this afternoon. If I understand his argument correctly, he wants to have the FCC, which works as an administrative arm of Congress, to not grant a waiver that he opposes.

In other words, he wants to direct the FCC with respect to cross-ownership rules.

Now, this may well be the position of most Members of the Senate. I think the Senator made a very good argument and it is very tempting to yield to his argument. However, my point of view is that if we have an FCC, that they should be able to set cross-ownership rules and they do have the right to grant a waiver in particular cases where there are extenuating circumstances. That is really what the question is.

Maybe what we need to do is get rid of the FCC and let the Senate and the House set these rules directly. I think that is what the Senator from South Carolina probably would like better. Unfortunately, this amendment has generated some considerable publicity. There have been many columns and editorials about it, and my question is: Did the Senate, in fact, have a full airing of this question, a full hearing of this question? This waiver affects two newspapers and two television stations in the country. Just two, in Boston and New York. It does not affect anyone else. The Senator makes quite a case, I must say, that this was just a coincidence.

It might be that the best thing we could do would be to put this off until tomorrow. I do not know what the leadership wants to do here tonight.

Mr. HOLLINGS. May I respond?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SYMMS. I would be happy to yield to my friend.

Mr. HOLLINGS. I appreciate the objectiveness and deliberateness of the way he is approaching the problem. What happens here is the Senator from Idaho is right. I got the statements but in order to continue that way, and we were going to pass a law at that particular time—you are right. Waivers are given under hardship circumstances, but not to manipulate the original intent against cross ownership.

That is why Mr. WIRTH got that letter from Murdoch 2 years ago, over 2 years ago. He bought the stations knowing he would have to sell the newspapers, he is the one that brought himself into this situation, having a year and a half, and 2 years to sell.

The reason for the waiver was to have time enough to go ahead and make a good college try at selling those properties. He has not. Instead, he has gotten ahold of the Freedom of Expression Foundation that he has been financing and they are petitioning for the outright repeal.

So, this legislation certainly hits many directly. But it was my idea to get ahold of the FCC on all measures. I know my competition in this distinguished body. I respect the distinguished Senator from Oregon. He has different views with respect to broadcast and how it is built up, with the fairness doctrine in the balance. He sees it is a violation of freedom of the press. The Red Lion case and all the rest said absolutely not, and it has been conformed with for 40 years. But he has a different opinion and he and I have debated that.

I included this language because I see the Freedom of Expression Foundation come moving, if you please, to once again take another rule that has been established in law and in practice for everybody. Yes, it affects Mr. Murdoch only because he is the only one trying to repeal the rule rather than what he said in his original letter to Senator WIRTH, then Congressman WIRTH on the House side, that his full intent was to comply.

Now he has gone forward and he says, since this affects him, he has got a constitutional question and it is unconstitutional. Of course he is playing with Washington lawyers and you can delay anything and parlay it around.

But, be that as it may, your particular amendment, Senator, first repeals the provisions of law and then very—I do not want to say cleverly, I do not know if that is intended—but it looks like a sense of the Senate. It is not sense of the Senate. You give outright repeal here on page 1. It is not the sense of the Senate——

Mr. SYMMS. Let me explain, Senator. The first section of my amendment repeals the amendment that precludes cross ownership. Section B is the sense of the Senate that the Senate is asking the courts, while this amendment is in the legislative process, to grant a stay of the order to sell. That is really the basic point.

I think there is always room for a difference of opinion, I say to my good friend from South Carolina. But the point is that in a city the size of New York where you have millions of people, hundreds of individuals newspapers, weeklies, dailies, all kinds of radio and television stations, there is hardly the same situation as you would be in if you went to a town somewhere in the West where you have one daily newspaper and one television station and had one person in control of it.

I am not quite convinced that all Members of the Senate have really focused on this issue, and I am not convinced that they focused on it when this Senate included it in the continuing resolution.

I hear what the Senator has said today. I have to say that I had the impression this was done in conference, that it was not addressed by the full Senate, and that it was more or less done in a hurried situation.

I have no feeling for Mr. Murdoch. I have never met him. I do not know him. I have no contact with him. But I do know this, that when you ask someone to sell an asset the size of the Boston Globe or the New York Post and you tell them they have 30 days, you've really placed a heavy burden on them. I think I would be somewhat concerned if I was asked to sell my farm and they only gave me 30 days to sell it. You might like a little bit of time to at least be able to receive what would be considered a fair market value on one side or the other.

I think those are points that I would like to see talked about. That is why I brought this up this afternoon.

I think it is important. It is the first bill that has come up in the second session of the 100th Congress. It is a civil rights restoration bill. In my view, it provides a perfect opportunity to address this question of cross ownership, freedom of speech and the press as guaranteed by the first amendment.

The Senator from South Carolina made some very good arguments. They are worthy of our consideration. However, there is another point of view that I have referred to. We are living in the information age, and we are not limited to one television station or one newspaper in any one city, particularly in cities the size of Boston and New York. There are massive opportunities for people to get the news. They are not limited to just one source of news.

I know we have an FCC, and the FCC has made an exception on cross ownership.

I said before the Senator from South Carolina arrived on the floor the question is, do we want to let the FCC's ruling on cross ownership with the exception stand or do we want to step in and change it and say that the FCC does not have the authority to grant that waiver.

That is really the issue.

It is a coincidence, maybe, but there are only two places in the United States that were affected, New York and Boston. It is no secret that one of our distinguished colleagues has been targeted occasionally by one of the newspapers in question here. That is probably unfortunate because it distorts the real question.

I do not want to get involved in the politics of it, but I want to go back to the question of cross ownership.

I thank my good friend and colleague, and I hope we will be able to air this issue very well. I would hope that the Senate would ultimately decide on it. I do think it is appropriate that it be addressed in this bill, the first bill that we address in this session, because there is a short timeframe involved. People are aware of the issue across the country. I think it is appropriate that we address it right here on the first day back to work on legislation. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to the broadcast property proposals, that has been the contention in many other large cities, and it has been applied in Chicago and Los Angeles. The Senator knew that at the time. Chicago and Boston are relatively the same size, or perhaps Chicago is a little larger. So that is not just the one that it applies to.

You do not give anybody that particular advantage of owning the newspaper and the broadcast property whether the city be small, isolated, or of a metropolitan nature like the city of New York.

Mr. Murdoch knew that. This was intended to cut off the FCC. That is who I am after.

You say that is a single issue. It is your discoloration here. You say we violated the Senate rules.

If the Senator from Iowa will yield, what is the Senate rule we have violated?

Mr. SYMMS. I do not say we have violated Senate rules.

Mr. HOLLINGS. That is what it says, that the procedures involved in this proviso constitute a violation of Senate rules. That is on page 2 of your amendment. That is what disturbs me.

You are not putting it in on the basic merit of the issue. You are using the manipulator's manipulation.

I have to read all of this bank of editorials that say, "We like Hollings and we are shocked." If you read those editorials, they said they are shocked and surprised that the Senator from South Carolina would engage in anything. Heavens above! They are trying to get into a political fight in Boston. I am trying to stop the repeal of the rules by this foundation and by that FCC.

Mr. SYMMS. The sense-of-the-Senate resolution referred to is the scope of the conference.

Mr. HOLLINGS. You do not want to do away with the Contra aid. I am familiar with the conference rules. I can give you a list of things. Contra aid did not appear in that. We put in a proviso about the State Department at their request. You never heard that debated on the floor, but they have a section in the bill that unless authorization is passed, they cannot spend money. We waived that for them. That was not debated on the floor, in the conference rules. I can go through a list of them.

It was not done in the dark of night. It was done by those in authority who were interested in it, with all of their staff members, with everybody to check. That is how it was done.

If we are talking about the rules, there are not any rules that were violated at all with respect to that and they know that. That is what you really want to vote on, whether they had something in the dark of night to verify all of these editorials.

I would like to have a month for people to read my statement and let me get out an op-ed piece and let me write some letters to the editors and get it around so they really understand who is bamboozling who around here.

It is Murdoch trying to bamboozle this Congress in a headlong rush. We have a bill in for this particular issue.

He is not waiving his constitutional question about this being of a spurious nature to get a continuation, not that. But he is coming back through this foundation. We all know he has it greased and now he has the high road of suspicion around with colleagues who have not heard from me for a month. They did not ask me a question. They did not want to know.

I respectfully yield to the distinguished Senator from Colorado. I did not want to take up all the time, but I feel strongly about this and the procedures used and the intent they have.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. I thank the Chair. Mr. President, I did not initially come over to get into a debate on the cross-ownership rules, and I will not speak out on this subject at any length tonight. I came over to make an opening statement on the Civil Rights Restoration Act. However, on the cross-ownership issue I would say simply this: I have no fixed opinion on the cross-ownership rules. I was frankly, surprised to learn that a provision on cross ownership was contained in the continuing resolution. I think all of us have a desire to ensure the preservation of as broad a diversity of public expression as possible in this country—this means newspapers, radio, television. And I know the cross-ownership provisions, when they were adopted by the Federal Communications Commission in 1975, were intended simply to prohibit monopoly situations in a mediamarket.

I know nothing more about the Boston Herald-New York Post situation than what I have read in the newspapers. However, I would feel badly if, because of the cross-ownership provisions and their enforcement, Mr. Murdoch was forced to give up the New York Post when there was no buyer, and therefore, the Post went out of business. I do not know if the cross-ownership provisions are actually working adverse to what they intended or not. I think it is well worth extensive hearings to find the answer to this question, because I think we all have the same goal: to try to preserve as many newspapers and radio stations and television stations as we can in this country in all markets.

Mr. President, I would now like to address myself to the Civil Rights Restoration Act, an act which Senator KENNEDY and I cosponsored and introduced in 1984. We are here 3½ years later still trying to pass this act.

I can speak for what the intention is of this Senator, who still is a strong supporter of this act, a sponsor once again of this bill. We are attempting to achieve one simple goal, and that is to reverse the Grove City College versus Bell case and put the law back where it was prior to the Supreme Court's decision in Grove City. Let me explain what I mean by that.

For almost 20 years prior to the Grove City case most people assumed that program or activity meant an institutionwide effect. In the latter years of the Johnson administration we thought that is what it meant. All during the Nixon years, the Ford years, the Carter years, through Republican administrations, Democratic administrations, liberal and conservative interpreters of the words "program or activity" thought they meant on an institution-wide basis. Therefore if the French department at a university received Federal money, the entire university could not discriminate on the basis of sex in education.

Now, that is what we thought it meant. The reason that the words "program and activity" are so important, however, its not just because of the Education Act Amendments in 1972 and the Grove City case. It is because the words "program or activity" appear in almost every significant civil rights statute in the country starting with the 1964 Civil Rights Act, going through the Education Amendments of 1972, going up to the Rehabilitation Act of 1973, the Age Discrimination Act in 1975. Each of these statutes uses the words "program or activity." So that if the interpretation of the Court stands in Grove City, it is not just educational institutions, which may or may not discriminate on the basis of sex, which might or might not lose some Federal funding or be prohibited from discriminating. It is the entire body of civil rights law in this country.

Now, I want to emphasize again what was my understanding, and which I think was no different then that of the bulk of the country who had any knowledge of the early civil rights acts, of what program or activity meant, as to what was intended. Program or activity meant institutionwide; it meant citywide. It meant whatever the institution was. If some segment of the institution got some money from the Federal Government, the whole institution could not discriminate.

However, the Reagan administration's Justice Department argued that program or activity meant narrow, it meant just the program or activity that actually received the money. That is the first time that argument had been made. The Court bought it. So all those of us who are proponents of the Civil Rights Restoration Act are trying to do is to put the law back to what we thought it was prior to the Court's Grove City decision. But that means restoring the law to where it was prior to that Supreme Court decision, so that for purposes of civil rights coverage in this country, program or activity will mean institionwide, not a narrow interpretation of program or activity.

I hope that is what we can confine the discussion to. Whether that be on the subject of abortion or whether that be on the subject of any kind of first amendment liberties involving the religious clause, are we trying to change what the law was prior to Grove City or are we trying to go back to what it was prior to Grove City?

We will probably have plenty of time to discuss cross-ownership on this bill or a variety of other things on this bill unrelated to Grove City. We have very few rules of germaneness in the Senate except on appropriation bills. Anybody can add an amendment to halt Contra funding on an acid rain bill if they choose to do it. That may happen on this bill and I may involve myself in some of those debates. I clearly will vote one way or the other on some of those amendments. But for the moment it is important to realize what we are trying to do. And that is to restore the law as we all understood it, Mr. President, prior to Grove City. So that if you choose to accept Federal money, you can not discriminate in any of your activities throughout the institution. I hope that sets the framework for the debate, Mr. President. I intend to participate in it. I would hope that we would not adopt any amendments that do anything other than attempt to clarify or restore what the law was prior to Grove City.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Thank you very much, Mr. President. I wanted to make a few comments given my own experience on this issue of cross-ownership that has been so hotly debated here this afternoon. It seems to me it is pretty clear that the atmospherics have gotten far head of the facts, and I thought it might be helpful to put a few of the facts back on the table, many of which have been discussed so eloquently by the Senator from South Carolina.

First of all, this whole issue of cross-ownership is not new. This is not a dead-of-the-night issue. It is one that has been around for a long period of time. As was pointed out, the cross-ownership rule was promulgated by the FCC under the Nixon administration. It has been in effect for a long time. It became significantly controversial during the early 1980's when ownership of television stations began to change. We will all remember the purchase of NBC, and the question became what happens if people who own newspapers buy television stations and that are in the same community, what are the criteria that the FCC is going to set for cross-ownership rules?

A number of us were deeply concerned about that question. As chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, I organized an extensive hearing. Long before Rupert Murdoch even showed up on the scene, we had an extensive hearing with Mark Fowler, then chairman of the FCC. We asked the chairman what the criteria were going to be. Later, in February 1985, we wrote an extensive letter to Mr. Fowler about the criteria, attempting to establish how the cross ownership was going to be handled. I ask unanimous consent, Mr. President, to have that letter included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON TELECOMMUNICATIONS, CONSUMER PROTECTION AND FINANCE OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, November 13, 1985.

Hon. MARK S. FOWLER,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN FOWLER: As you know, we are extremely concerned about the lack of a coherent policy at the Commission with respect to the granting of waivers of the cross-ownership rules.

While temporary waivers may be justified in cases where clear public policy justifications exist, we are very disturbed by the Commission's apparent attitude that temporary waivers are justified solely upon mere allegations that possible financial hardship or distress sales would result if property cannot be disposed of in what has been termed an "orderly" fashion. Clearly, this attitude is nothing more than an open invitation for parties to seek temporary waivers with an expectation that they be routinely, if not automatically, granted. Moreover, it is particularly important that the mere allegation of financial hardship or distress not be the basis for the granting of a temporary waiver if the Commission has no basis to believe that there will be greater diversity in the ownership of these properties following a waiver period as compared to the situation that existed prior to the transaction being approved.

As you are well aware, we firmly believe that the cross-ownership rules are vitally important in protecting competition and diversity in the marketplace of ideas and that waivers to those rules should be viewed as an extraordinary, not an ordinary, action.

Before the Commission makes any decision with respect to any applications seeking temporary waivers on the sole basis that failure to obtain such a waiver will result in financial hardship or distress sales, we strongly urge you to consider your own

words before the Subcomittee on Telecommunications, Consumer Protection and Finance on this very subject just four months ago:

(1) Mr. FOWLER. I think generally we ought not to grant waivers unless a compelling case is shown which demonstrates that a waiver would either not disserve the purpose of the rule and would serve other important public policy goals or that it would serve the purpose of that rule by having granted a waiver. I am generally, though, however, against a policy of liberally granting waivers for two reasons: one, I think it is very poor administrative law; and two, once you do that, I think it is difficult to justify not having to grant other waivers in similar circumstances.

(2) Mr. WIRTH. Therefore, the burden of proof is on the individual coming in for a waiver?

Mr. FOWLER. Yes, sir.

Mr. WIRTH. To make a case that, in fact, they need that waiver?

Mr. FOWLER. If they do not meet the burden, they are required to divest.

(3) Mr. FOWLER. They have got to make their case each time. And if they do not make that case, they will not be granted any kind of a waiver.

(4) Mr. WIRTH. * * * Everybody would like more time . . . What criteria then do you use? What is a distress sale?

Mr. FOWLER. I think the one factor I looked at earlier was—I think the one of the most important, the difficulty of disposing of that particular property.

(5) Mr. WIRTH. Should they come in and make their case as to why they have to do that? You have not told us yet that they have to come in and make that case.

Mr. FOWLER. I thought I did. We require them to make a case in writing as to all of the factors justifying some period of time to divest.

Mr. WIRTH. * * * There [were] no criteria before. There are no criteria now, it seems to me. Again some kind of a standard ought to be out there so that people know what the rules of the business are so you can see what the criteria were or the bases were in a given case that you rely on in determining to grant some period of time for divestiture.

Mr. FOWLER. You have to show the degree of difficulty involved in selling the newspaper.

Mr. WIRTH. It seems to me that there is an important consideration here in terms of again the standards and criteria that you are using on this front. And it is my concern—and you and I have talked about this in the past—that we underline, underscore, and emphasize to people the importance of concentration and cross-ownership, which is the thrust of what I am getting at. And I would hope that you all, in looking at this, make very clear to the applicants our mutual concern about this and the fact that this is not something that is going to go away. It is not going to disappear as some think it may, and that this is an important concern, and to be as strong and clear about that as possible.

Mr. FOWLER. We totally agree, Mr. Chairman.

Media Mergers and Takeovers: The FCC and the Public Interest; Hearings before the Subcommittee on Telecommunications, Consumer Protection, and Finance of the House Committee on Energy and Commerce, 99th Cong., 1st Sess., transcript pp. 60-73 (July 10, 1985).

We want to remind you of this testimony that you offered to the United States Congress as to how the Commission would exercise its responsibilities with respect to the grant of temporary waivers to the cross-ownership rules. Any Commission action that would grant a temporary waiver on the mere allegation that financial hardship or a distress sale would result if a period of time to make an "orderly" disposition of the property was not given, would be totally inconsistent with your statements to Congress.

By your own words, an applicant who seeks a temporary waiver must carry the burden of presenting a compelling case which demonstrates all of the facts that would justify such a waiver, "[a]nd if they do not make that case, they will not be granted any kind of a waiver."

It is one thing for a regulatory agency created by the Congress to disagree with the Congress over the direction of policy, as you have done on a number of previous occasions. It is quite another for you to come before the Congressional committee responsible for overseeing your agency and make commitments as to how you will exercise your responsibility under the Communications Act and then not give up to those commitments either in letter or spirit.

We would seriously urge you to keep your statements to this body very much in mind as you consider taking any further actions that relate to this issue.

With best wishes,

Sincerely yours,

TIMOTHY E. WIRTH,
Chairman.
JOHN BRYANT.
EDWARD J. MARKEY.
JAMES H. SCHEUER.
HENRY A. WAXMAN.

Mr. WIRTH. This is not a new issue. The issue of cross ownership was around starting with Dean Burch in the Nixon administration. It came to a head during the early 1980's when television stations were being purchased and we began to see a turnover, a change of ownership. The issue of Rupert Murdoch's cross ownership came up in 1985. Mr. Murdoch was then a citizen of Australia and was the owner of a number of newspapers in the United States. We are all familiar with the Murdoch newspaper empire.

In 1985, Mr. Murdoch purchased Metromedia, which owned a number of television stations in the United States, including television stations, as I remember it, in Chicago, Boston, and New York. The issue of cross ownership was not the first issue that we raised in discussion with Mr. Murdoch. The first issue we raised with Mr. Murdoch was to remind him that in order to own a television station in the United States you have to be a citizen of the United States. Mr. Murdoch came into my office over in the Rayburn Building and we had quite an extensive discussion.

Mr. Murdoch came in to try to get a sense of what the rules were. He was well represented by very able lobbyists, and we came in and had as I remember it, a very firm session in which I said, "Mr. Murdoch, let me remind you that before you can take ownership of these television stations you have to first become a citizen of the United States." At that point, he said he was going to become a citizen, get his green card and move rapidly to become a citizen so he could legally own these television stations. That was the first issue that we faced with Mr. Murdoch.

The second issue in that discussion was cross ownership. I said, "By the way, while you are complying with the citizenship requirement let me also remind you that there are some very significant cross-ownership requirements." We described those to him. I am sure he knew very well what they were. He was again very well represented. I described in significant detail to him what those cross-ownership requirements were and that we had them for the purpose of avoiding the concentration of ownership of television stations, and newspapers in communities, and in fact of television stations, newspapers, and radio stations. We have had divestiture of radio stations.

It has been pointed out that in the business of freedom of expression that we want to have as many outlets as possible. We do not want to have the concentration of ownership in a few hands, unlike the Australian model. We have the model in the United States which calls for very broad divestiture. We had this discussion. I said, "Mr. Murdoch, I am very leery of giving any kind of a waiver whatsoever. If you are going to purchase Metromedia stations, you know darn well you are going to have to divest. Either refrain from buying the television stations or divest yourself of the newspaper. You know that going in before you lay the money down. I want you to know we are going to insist upon the enforcement of the cross-ownership rules." He said, "No problem. No problem whatsoever."

Let me read to you the letter once again that Mr. Murdoch wrote to me, dated June 13, 1985, following that discussion when he said, "No problem." Let me read you his words:

DEAR MR. WIRTH: I am writing as a follow-up to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules in the acquisition of the Metromedia broadcast licenses.

In view of your long-standing commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports that my application for assignment of the Metromedia licenses will not seek a permanent waiver of the FCC's cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties.

The application is now being drafted. We will keep you informed of its progress.

Thank you for your continued interest.

Sincerely,

RUPERT MURDOCH.

Mr. President, I ask unanimous consent to have that letter included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 13, 1985.

Hon. TIMOTHY E. WIRTH,
Rayburn House Office Building,
House of Representatives, Washington, DC.

DEAR MR. WIRTH, I am writing as a follow-up to our meeting of May 14, 1985, in order to assure you of my intention to comply fully and expeditiously with the FCC's cross-ownership rules in the acquisition of the Metromedia broadcast licenses.

In view of your long-standing commitment to diversity which I share, let me confirm to you the accuracy of statements attributed to me in recent press reports that my application for assignment of the Metromedia licenses will not seek a permanent waiver of the FCC's cross-ownership rules and will otherwise fall within the parameters established by FCC regulations and prior precedent dealing with cross-ownership of broadcast and publishing properties.

The application is now being drafted. We will keep you informed of its progress.

Thank you for your continued interest.

Sincerely,

RUPERT MURDOCH.

This was not a letter sent out secretly. In addition to sending that letter to me, Mr. Murdoch, through News America Publishing, Inc., in New York the public relations firm put out the following statement of January 16.

* * * Mr. Rupert Murdoch, in a statement issued in London today, said that neither he nor his agents are seeking a permanent waiver from Federal Communications Commission cross-ownership rules.

He said, "We stand by and reaffirm representations we made to the FCC. We do not seek an extension of our two-year waiver. There is no basis in fact to recent press reports suggesting otherwise."

On November 14, 1985 Mr. Murdoch was granted a two-year waiver from cross-ownership rules in connection with his application for the purchase of the Metromedia television stations.

So Mr. Murdoch is not only on record in a letter to me, but he put out a press release saying he was not seeking a permanent waiver. Is this issue new? No. There is a long history of Mr. Murdoch saying "I seek no permanent cross-ownership waiver." The Congress was concerned about this, so concerned that we forged language which I offered on the House side and the distinguished Senator from South Carolina offered on the Senate side in the reconciliation bill in December of 1985 in which once again we reinforced the congressional concern that the cross-ownership rules be enforced. It is not an issue targeted at anybody in particular. That language is very clear.

Mr. President, I ask unanimous consent to have that reconciliation language be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CROSS-OWNERSHIP RULE WAIVERS

The conferees are concerned with Commission enforcement of the local cross-ownership rules particularly in light of the number of recent waiver requests to these rules the Commission has considered. The Commission's purpose in granting any waiver to the cross-ownership rules should be to further the public interest; furtherance of the private interest of any applicant or licensee must be subservient to this purpose.

The conferees expect the Commission to review such requests with great scrutiny and not grant a waiver unless the applicant meets the burden of clearly demonstrating why such a waiver should be granted. Any temporary waiver granted should be limited in duration to the minimum amount of time necessary.

The purpose of this is simply to say that this is not, as has been argued a little bit on the floor here but more importantly in the press, a new issue. This is not a "sneak attack." This is something that goes back a long way. Let me talk a little bit, if I might, Mr. President, about the equities involved in this.

Mr. Murdoch has gotten a waiver and now through a variety of mechanisms is attempting to get a full permanent waiver of the cross-ownership rule. Tell me how fair that is. There have been a variety of other entities that have owned radio stations, television stations, newspapers, or have owned more than the concentration allowed. What have they done? Have they come in and asked for a permanent waiver? Not a chance in the world. What they have done is to comply with the regulations and comply with the law. I think in particular of CapCities. CapCities purchased ABC. Tom Murphy, the new president of CapCities, at that point came into my office and said, "I have got a problem." He was forthcoming about it. He said, "I have got a problem. We own a greater concentration of television stations and radio stations than we are allowed to own. What is the best way to go about divesting of these?"

Rather than running around and trying to get a waiver, the CapCities people in the most constructive way possible put up the stations that they had to sell and bent over backward to sell those to minority groups in big cities. They were not running around.

CapCities and Tom Murphy and company were not trying to get a waiver. They were not trying to backdoor the rules. They were very forthcoming not only about divesting themselves, but divesting themselves in the public interest, doing everything they could to sell those broadcast outlets to minority groups so we could increase diversity of opinion, so we could increase the minority stake in broadcast ownership in the country. Lack of minority ownership is a real problem that we have.

So it seems to me that it is absolutely inequitable for us to say we are going to grant a permanent waiver to one group, Rupert Murdoch, who has apparently been trying to circumvent the law while those people like CapCities and Tom Murphy have been responsibly complying with obeying the law. It scarcely seems to be fair for us to do that.

Third, we have talked a little bit about the FCC here. We have talked about the FCC and how to deal with the FCC, and whether we as a group ought to be going in and telling the FCC what rules and regulations they ought to write. I will tell you that in the last 7 years of history with the Congress dealing with the FCC, when the Congress has sat down with the FCC and worked through a policy, the FCC has ended up being very constructive and we all end up on the same wavelength. There are a number of examples of that.

There were real problems on the concentration of ownership. Mark Fowler and I sat down and instead of the old 7-7-7 rule worked through a concentration of a percentage of markets. That turned out to be a much more equitable way than the 7-7-7 rule. We worked it out. It happened very nicely, and we had the Congress putting the pressure on. The FCC came up, sat down, and worked out a very reasonable situation. There have been a number of examples where that sort of thing has happened.

I think on the minority ownership matter the FCC has not gone nearly as far as I would like to see the Commission do, but I think there has been the opportunity to sit down and work constructively with them. I think what Senator HOLLINGS has attempted to do in this language is to say to the FCC if we are going to have waivers let us sit down and talk about where they are but let us not have a blanket writing in of the waiver.

Finally, let me answer a number of the specific questions that have been raised today. I would like if I might to get the attention of the Senator from Idaho. I would like to answer some of the specific points that he raised earlier which I think are appropriate to raise. I think they were good questions. I think they are ones that we all ought to know the answers to.

First of all, one of the questions raised by the Senator from Idaho was should we be in a position to preclude the FCC from granting a waiver in extenuating circumstances? It is a very legitimate question. If someone has extenuating circumstances should not the FCC be able to give them a waiver? The answer of course is yes. And Mr. Murdoch has had a waiver for 2 years. He knew going in when he bought Metromedia and owned those newspapers what the rules were. We

explained them to him in my office. He wrote back and said "I know what the rules are." Then he went on to say, "I have no intention of going after a permanent waiver."

Now what has he done? He has turned around and gone after a permanent waiver. Is 2 years enough time or not enough time to go out and sell these newspapers to avoid the cross-ownership problem?

Well, he put together a package after a lot of wrangling in Chicago; and finally, as I recall, the Chicago Sun Times was sold to a syndicate in Chicago, and the Sun Times is operating.

More than 2 years ago, I knew of a number of offers for the New York Post. To suggest that somehow this ruling is going to shut down the New York Post is nonsense. Mr. Murdoch had years to sell the Post and had offers on the table for the New York Post, which he did not respond to. I talked to a number of groups trying to buy the New York Post that tried to get a response from Murdoch, and they could not get one.

So, while he was saying he had no intention of a permanent waiver, he was not responding, so far as we could determine, to good offers of people who wanted to buy the Post.

It is disingenuous for some—I'm not referring to the Senator from Idaho—to say suddenly we are going to shut down this newspaper. There have been a lot of offers, and he had more than 2 years to sell it.

The second question raised by the Senator from Idaho, a good one, is, why is this provision focused just on these two stations? The question is, Why these two stations?

The answer is that everybody else complied with the rules except Rupert Murdoch. That is why it is focused on these two stations. It has nothing to do with the politics of Massachusetts. It has nothing to do with editorial cartoons. It has to do with the fact that everybody else complied with the law. The only people who have not complied with the law are the Murdoch group, which is trying to get this permanent waiver. That is why this is focused just on these people.

The third question raised by the Senator from Idaho, another good one, is, should we not give him time to be able to do this?

The Senator mentioned if he were forced to sell his farm, he would like to have time to do it. I think we have given the Murdoch group lots of time. He got the waiver in the middle of 1985 and has had more than 2½ years to sell it. He has used that time to try to lobby us to waive the rules. So he has had plenty of time in which to do this.

Finally, a question was raised about the issue of concentration, and the argument was made that we have plenty of outlets, that we have plenty of newspapers and lots of television stations. That is hardly the case. I think that if you will look in New York City, there are very few newspapers. If you look there, there are in fact very few media outlets that everybody has access to.

That is the whole rationale behind the cross-ownership rule: to avoid any individual party from being able to concentrate an enormous amount of media power and to become effectively a bottleneck for public opinion.

The Supreme Court has said, by a vote of 8 to 0, that it is appropriate for us in the United States to have these cross-ownership rules so that we encourage a diversity of opinion; that no single individual, whether it is a powerful network which has complied with this ruling, or Rupert Murdoch, who has not, whether the Washington Post or anyone else, can be a bottleneck opinion. We must have a diversity of opinion. That is the purpose of the cross-ownership rule, and that has been upheld by the first amendment as being fully constitutional.

Mr. President, the history of this is very clear. For anybody to suggest that this was done at the last moment, that this is a political vendetta, is wrong. The facts do not bear that out. I think I have put into the RECORD all the appropriate documentation to lay out very clearly the long history of this particular issue, the fact that we have bent over backward to make clear to Mr. Murdoch what the law was, that he said very clearly on the record that he was going to comply with the law. He was given a long waiver time in which to comply with the law.

Usually, waivers are 2 years; and because of the complexity of these large newspapers, he was given a long waiver time.

We have done everything possible to make sure these newspapers could be sold and that Rupert Murdoch could comply with the law.

It seems to me that we have now seen something of a different situation. The FCC has not acted in the public interest, as they are required to do under the Communications Act of 1934; and it is our responsibility in Congress to act with oversight over the FCC and make sure that they do operate in the public interest. It is that precise public interest standard that has been met by the language in the continuing resolution. I commend the Senator from South Carolina for putting that in, and I commend all the other Senators who were involved in that process who agreed with the Senator from South Carolina that it should be in there. We should keep it in there and table the amendment offered by the Senator from Idaho and move on to the important legislation before us.

I yield the floor.

Mr. THURMOND. Mr. President, I ask unanimous consent to set aside the consideration of the Symms amendment for 7 minutes, so that I may offer my opening statement.

I also ask unanimous consent that my statement appear with the other opening statements on S. 557.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, today the Senate begins consideration of S. 557, the proposed "Civil Rights Restoration Act of 1987," the latest version of legislation to address the Supreme Court decision in the case of Grove City versus Bell, decided in 1984. For more than 3 years now, we have heard the clamor from House and Senate Members and the civil rights community demanding reversal of this decision.

"Restore the law to its pre-Grove City state," has been the cry. However, if anything has become clear in the last 3 years, it is that there is wide disagreement on what the state of the law was in this area before that decision.

The sponsors of S. 557 state that they want to restore the broad, institution-wide coverage of title IX and the other statutes addressed in their bill. However, there is strong evidence that coverage prior to Grove City was not institution wide, but program-specific, as the language of the statutes appears to mandate. The fact is, we are probably involved in this exercise today because Congress did not meet its responsibility to pass clear and unambiguous legislation in the first instance. I hope we will not repeat that mistake.

Mr. President, the controversy surrounding Grove City-related legislation has been improperly focused from the start. The question is not whether Federal financial assistance should be allowed to fund discriminatory activities. Indeed, I believe that Americans support the continued prohibition of such use of Federal funds. I have heard no one argue otherwise.

However, the sponsors of S. 557 have chosen to distort this debate by posing the question in simplistic terms under which one is either for their bill or for federally subsidized discrimination. It is a tactic which has served them well on this and other legislation which, regardless of merit, has been touted as critical to the future of civil liberty in our Nation.

The true controversy underlying this legislation is based upon complex, yet subtle questions which arise in the implementation of the accepted policy goal that Federal dollars should not subsidize discrimination. It is here that a number of significant disagreements exist: What breadth of coverage should be invoked as the result of receipt of Federal funds by a particular

entity? For example, should an entire multisited corporation be covered under the civil rights statutes when only one part of one of its plants receives Federal assistance? Should certain types of organizations be singled out for especially expansive coverage for no apparent reason—as they are under S. 557?

Should we agree to expanded coverage of a statute under which there are regulations that require others to do with their own money that which is prohibited with Federal money? This is the hypocrisy which would result from expanded reach of the title IX regulations requiring recipients to provide abortion services to students and employees—services which are prohibited from being performed with Federal dollars.

Is it appropriate that we expand coverage under the civil rights statutes to cover, as S. 557 would, all the operations of a church or synagogue merely because it assists the elderly or the needy with the use of Federal dollars? Coverage prior to Grove City would have extended only to the federally assisted program within the church or synagogue. Although the sponsors of S. 557 have argued vigorously in defense of the expansive coverage of churches which would result under the bill, they have presented no evidence of discrimination to warrant such new coverage. Should we not at least have a reason for discarding first amendment religious freedoms?

Mr. President, these are some of the issues which make the proposed "Civil Rights Restoration Act of 1987" controversial. They do not center on the question of whether Federal funds should be allowed to subsidize discrimination. They center on the need for a careful balancing of constitutionally guaranteed freedoms and rights and their relationship to important public policy objectives.

I look forward to the discussion of these and other issues during consideration of S. 557.

REGARDING THE CIVIL RIGHTS RESTORATION ACT

Mr. HARKIN. Mr. President, I am a cosponsor of S. 557, the Civil Rights Restoration Act of 1987 because I deeply believe that Federal tax dollars should not be used by any entity that discriminates against a person on the basis of race, color, national origin, sex, disability, or age.

The Congress has passed four civil rights statutes—title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975—that prohibit entities operating programs or activities receiving Federal financial assistance from engaging in discrimination.

These laws specify which entities are covered—entities receiving Federal assistance; the scope of coverage—programs or activities receiving such Federal assistance; the proscribed actions—exclusion, denial of benefits, and discrimination; and the protected classes—persons subjected to discrimination on the basis of race, color, national origin, sex, disability, and age.

On February 28, 1984, the Supreme Court, in Grove City versus Bell and Conrail versus Darrone significantly narrowed the scope of coverage of title IX (sex discrimination) and section 504 (discrimination on the basis of handicap) and by implication title VI (race discrimination) and the Age Discrimination Act.

The purpose of S. 557 is to restore the scope of coverage that existed prior to the Grove City and Darrone decisions. In other words, the bill redefines the phrase "program or activity" to restore the broad institutionwide scope of coverage that existed prior to the decisions.

The bill does not amend the other components of the civil rights statutes. Thus, the bill does not address which entities are recipients of Federal financial assistance and thereby made subject to the prohibitions in the laws. For example, entities or persons such as farmers, who were determined not to be recipients under prior law because they were the ultimate beneficiaries of Federal assistance would not have their status changed by the provisions in the bill.

In addition, the bill does not redefine what constitutes discrimination. Many in the civil rights community would have liked to strengthen and expand the current definition of discrimination. However, it was agreed, in the spirit of bipartisanship, and in an effort to gain passage of the bill, to put aside such agendas and support the restoration principle. Finally, the bill does not redefine the classes of persons protected by the acts.

I believe that an overwhelming majority of the Members of this body support the restoration purpose of this legislation. Most Senators that I have talked to reject the Supreme Court's interpretation that where a college accepts Federal aid in the form of student loans that only its financial aid office is barred from engaging in discrimination and that the rest of the college is free to deny equal opportunities in their course offerings, extracurricular activities, or student programs. All activities at a university that accepts Federal assistance must be free from discrimination.

Further, I believe that most Senators who realize that the executive and judicial branches have interpreted the Grove City decision as extending beyond education, will enthusiastically support restoring a broad interpretation that reaches beyond education to prevent Federal funding of discrimination in such areas as health, transportation, housing, social services, and economic development.

I also believe that most Senators who realize that persons with disabilities have no protections against employment discrimination other than under section 504 will enthusiastically support restoring the broad institution-wide coverage envisioned by Senator Hubert Humphrey, the sponsor of section 504, when he stated: "The treatment and regard for the rights of handicapped citizens in our country is one of America's shameful oversights * * * I am insisting that the civil rights of 40 million Americans now be affirmed and effectively guaranteed by Congress. These people have the right to live, to work to the best of their ability—to know the dignity to which every human being is entitled."

The effective guarantee that Senator Humphrey was referring to has been gutted by the Darrone and the Grove City decisions. A recipient institution may be receiving millions of dollars of Federal aid and at the same time denying employment opportunities to employees with disabilities but the Federal agency responsible for enforcing section 504 will be unable to take any remedial action unless it can identify specific Federal aid tied to the specific activity in which the alleged discrimination occurred.

For example, a person filed a claim that he was discriminated against by the Massachusetts Department of Youth Services on the basis of his handicap. He alleged that although he passed the exam for supervising group worker and was ranked first on the list for such a position, he was not given a supervisory position with reasonable accommodation for his disability. The U.S. Department of Education refused to pursue this case because it could not track the thousands of dollars the Massachusetts Department of Youth Services received to the particular activities for which the person would have been responsible if he had been hired.

In sum, I believe that most Senators support the restoration purposes of the bill. I am still hopeful that those Senators who are considering offering amendments which go well beyond restoring the broad institution-wide coverage of the civil rights laws will realize that the Civil Rights Restoration Act is not the vehicle for such amendments.

I urge my colleagues to get on with the business before us—restoring the scope of coverage of these four Civil Rights Acts that existed before six members of the Supreme Court assumed the role of legislators and rewrote these statutes. People with disabilities, girls and woman, minorities, older persons, and persons who oppose having their tax moneys be used to

support discrimination are awaiting our actions.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Idaho.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be no more rollcall votes today.

J. RUSSELL WIGGINS

Mr. COHEN. Mr. President. I rise to call the Senate's attention to the accomplishments of one of Maine's favorite sons and one of the Nation's finest journalists. The gentleman in question is J. Russell Wiggins, editor of the Ellsworth American, former executive editor of the Washington Post and former U.S. Ambassador to the United Nations.

His many achievements were outlined recently in an article in the January 18 issue of Time magazine, which I would like to have reprinted in the RECORD. At a vital 84 years old, Mr. Wiggins is described alternately as an American original and a curmudgeon. Yet he and his newspaper are beloved by the residents of Ellsworth, the gateway to Acadia National Park. What other weekly would send a correspondent to cover the America's Cup race in Australia and have an editor who is the appointed fence viewer of the town of Brooklin?

I hope the Members of the Senate will enjoy the Time article, "In Maine: A Town and Its Paper."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time, Jan. 18, 1988]

IN MAINE: A TOWN AND ITS PAPER

(By Ted Gup)

Some years back, James Russell Wiggins, editor of the Ellsworth *American* in Maine, wanted to prove to readers how pitifully slow was the U.S. Postal Service. So he proposed a race: he sent letters to a nearby village, one through the Postal Service and others by oxcart, canoe and bicycle. At the pedals was a local celebrity, Writer E.B. White. The Postal Service lost every race, and Wiggins gloated on the front page.

That was big news. Big news elsewhere, though, often doesn't seem quite so pressing in Ellsworth. The October stockmarket crash got one sentence last fall; the blueberry industry, a mainstay of the region, got a five-part series. But nothing is read more closely than the court page, a list of everyone caught speeding or driving tipsy or lobstering without a license. "I want to see if any of my buddies are in there," says Carmen Griffin, a waitress at the Pineland Diner on Main Street. It may be a yawn in Portland, Me., but in Ellsworth, it's front-page news when there's a bumper crop of scallops or the cops seize a pet snake (the headline: Police Put Permitless Pet Python in Pen).

When Editor Wiggins, 84, wanted to tell his readers, many of whom live by and from the sea, what was happening in the America's Cup race, the weekly sent a reporter to Australia. The story was relayed by satellite to Washington, wired to an Ellsworth bank and then walked across Main Street by the bank's vice president.

That's how things have always been done in Ellsworth, one neighbor counting on another. Ellsworth is the shire town of Hancock County, some two-thirds up the Maine coast, and gateway to the summer resorts of Bar Harbor. For more than 200 years, the town has hugged the Union River, which spills out into Union River Bay and eventually the bold Atlantic. The town was named for Oliver Ellsworth, an early Chief Justice of the Supreme Court. Folks here are friendly. They can't help themselves. But Down Easters draw a line between outsiders—"people from away"—and locals. You can be born in Hancock County and still not be judged a local if your parents were "from away." They say, "A cat can have her kittens in the oven and call them biscuits. Doesn't make it so."

Ellsworth has reason to be wary of outsiders, who come here seeking tranquillity and disturb what tranquillity there is. They clog streets, drive up land prices and bring with them some anxieties they hoped to escape. And they talk funny. Not since the fire of 1933 swept down Main Street, consuming 130 buildings, has the character of the town and the region been so threatened. "We're getting a little class," says Victoria Smallidge, owner of the Pineland Diner, who moved here in 1970. Call it what you will, some locals are uneasy about a diner that offers a wine list and tenderloin with bearnaise sauce but holds mashed potatoes and meat loaf in contempt. *American* reporters discuss stories that straddle two worlds: a log-sawing contest in Brooklin, Me., and drug-awareness week at nearby Bucksport High. These days lawyers and real estate agents seem to outnumber clergymen and clam diggers. Even the lilting Down East accent, once spoken as if it were passing over a dip on a backwoods road, is losing its curls.

The *American* began publishing in 1350. There were 5,000 townspeople then, and the paper's slogan was "Americans can govern America without the help of foppish influence." There are now just over 5,000 souls in Ellsworth, and they still bristle at outsiders' arriving in Peugeots with ideas for their town. But change is certain. Some city officials say the population may double in five years. Many fear the region is losing its identity. It is the *American* that is helping to preserve that identity, holding itself up as a mirror of community interests, passions and humor in uncertain times. "It's the one continuity we have in our lives, besides the seasons," says Jack Raymond, a reader from Bar Harbor.

Wiggins and the *American* seem an unlikely pair. He never went to college and didn't take over the *American* until late in life. Before that he was executive editor of the *Washington Post*, then U.S. Ambassador to the United Nations. A great-grandfather, he holds eight honorary degrees, reads up to five books a week and recites Chaucer from memory. He belts out incendiary editorials, writes a sometimes syrupy nature poem and, until recently, had a paper route. He hasn't drawn a salary in two decades. The former Ambassador still holds public office—of a sort. He's Brooklin's appointed fence viewer. He is supposed to settle boundary disputes, but none ever arise. Wiggins is a robust man with snow white hair, eyebrows that arch in incredulity and strong hands beginning to gnarl like briar. In his spare time, he strolls his saltwater farm on Carlton Cove or sails the *Amity*, his sloop. "I picked the name out of the air," he says. "I threatened to name it *Lolita*, an old man's darling, but my wife didn't care for that."

"J. Russell? He's an American original," says Ellsworth's city manager, Herbert Gilsdorf. "For this place and this time, it's probably the best fit between a newspaper and a community I've ever seen, and I don't have any reason to blow the guy's horn 'cause he's harpooned me a couple of times." Folks are proud of the *American*, and why not? It may be the finest—albeit quirkiest—weekly in the nation. "It's a real good pay-pa," says Don Walls as he lowers a 100-lb. crate of lobsters from a wharf in Southwest Harbor; the *American* ran a photograph of Walls' six-year-old son Travis, winner of the fishing derby. "Meant a lot to me and the boy," he says.

Some think Wiggins is a curmudgeon. He grabs onto every subject like a pit bull. He's been railing against the lottery for years. "It's a fraud on the public," he steams. Maybe, but he hasn't even won over his personal secretary, Rose Lee Carlisle; who buys five dollars' worth of lottery tickets every week. When the Maine legislature amended the state constitution, Wiggins wrote an editorial saying the change was "as clumsily executed as a double heart-bypass by a band of butchers wielding a chain saw."

"Like that one, did you?" he asks. Some folks say he's too liberal. Wiggins laughs: "My children and grandchildren are always telling me what a reactionary old bastard I am." He enjoys citing the saying that a newspaper should "comfort the afflicted and afflict the comfortable." But Wiggins can be a softy too. His reporters remember his weeping when a Christmas caroler from a home for wayward boys put his arms around him. Then there is the Wiggins who laughs until he tears. He passes on the latest story from his friend and sailing partner, Walter—Cronkite, that is. Greeting visitors to his 1802 Federal house are life-size cutout figures of Frank and Ed, the yokels from the Bartles & Jaymes ad. "I want you to meet a couple of friends of mine—Frank and Ed," he tells an unwary visitor. He admits to two vices, Scotch old-fashioneds and raspberry sherbet. After he wrote a column about the scarcity of the latter, merchants started stocking it.

On his farm, Wiggins walks among his mallard ducks, chickens, geese and a Norfolk terrier named Red that once belonged to the late White. The elders among the geese—Arthur, the old gander, and Jezebel, the goose—are often featured in Wiggins' Aesop-like bimonthly column. Once a "mover and a shaker," he steered the *Washington Post's* coverage of every crisis from the Berlin Wall to the Viet Nam War. No more. "You can't flatter yourself in the

belief that you can leverage the world from the perimeter of Ellsworth, Me.," he says. "But I enjoy rural life a lot better than I do big cities. I'm at home in this environment." Happiness, he says, is an old age shared with Ben Franklin's three faithful friends: "an old wife, an old dog and ready money."

BICENTENNIAL MINUTE

JANUARY 26, 1830:
WEBSTER'S REPLY TO HAYNE

Mr. DOLE. Mr. President, 158 years ago today, on January 26, 1830, Daniel Webster rose in the Old Senate Chamber to deliver one of the most famous speeches in Senate history, and one of the greatest defenses of the American Union. On the previous day, Senator Robert Y. Hayne, of South Carolina, had delivered a speech that denounced a pending tariff bill as unconstitutional and he suggested the superiority of the States over the Federal Government.

The next day, Senator Webster, defender of the tariff and the Union, responded with these emotion-laden words:

When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on states dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, as it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic . . . bearing for its motto . . . Liberty and Union, now and forever, one and inseparable!

In the galleries sat Robert Scott, a Kentucky lawyer, who jotted down his eyewitness description of the scene:

January 26, 1830. This morning a dense crowd of the most respectable gentlemen and ladies assembled, crowding the floor and galleries. They listened for two hours and a half to Mr. Webster, who spoke with the grandest and most interesting parliamentary eloquence which it has ever been my good fortune to hear. He attacked his antagonist with the most clever satire and cutting sarcasm, refuting his facts and subverting his arguments. . . . Mr. Webster concluded his speech with the most convincing argument and forcible eloquence. . . . He closed in appropriate and eloquent terms, calling for union, happiness, and glory for our common country.

THE 100TH ANNIVERSARY OF THE FOUNDING OF THE NATIONAL GEOGRAPHIC SOCIETY

THE NATIONAL GEOGRAPHIC SOCIETY CELEBRATES ITS CENTENNIAL

Mr. PELL. Mr. President, this year marks the 100th anniversary of the founding of the National Geographic Society. With almost 10½ million members, the National Geographic Society is today the largest nonprofit scientific and educational organization in the world. This 100th birthday is an event of considerable importance, and one that should not, and indeed will not go unnoticed.

The concept behind the National Geographic Society began on the evening of January 13, 1888, when 33 men traveled on foot, horseback, and in elegant carriages through the foggy streets of Washington to the Cosmos Club where they convened around a mahogany table to discuss the "advisability of organizing a society for the increase and diffusion of geographic knowledge." In the ensuing 100 years the National Geographic Society has conducted research, sponsored exploration and acted as a leader in education in bringing the knowledge of the wonders of our planet to generations of Americans and other peoples around the world.

The National Geographic Society has supported over 3,300 research projects and explorations—from Hiram Bingham's 1912-15 excavation of the lost Inca city of Machu Picchu, to Donald C. Johanson's 1974 unearthing in Ethiopia of the oldest, most complete skeleton of any human ancestor ever found, to current research on animal behavior and undersea photography.

National Geographic has pioneered advances in communication, from early color photography to laser printing, and has set a standard of communications excellence in the society's publications and films. National Geographic's photographers have won hundreds of awards for their photography and have brought the magnificence of nature and the excitement of discovery to millions.

But most important, I believe, is the National Geographic Society's commitment to education. National Geographic, the official journal of the society, is used by teachers and students everywhere. National Geographic films, television programs, maps and other teaching materials enrich thousands of classrooms every day. And National Geographic WORLD, the society magazine for 8 to 13 year-olds, reaches 1.2 million young readers in 150 countries. As chairman of the Subcommittee on Education, Arts, and Humanities, I am keenly aware of the remarkable contribution the society has made and continues to make to the education of children and adults throughout our Nation and the world.

To celebrate its first 100 years and to begin its second century, I was extremely pleased to learn that the society will establish a $20 million foundation to provide grant support to local and national programs in geography education. As Gilbert Grosvenor said at the announcement ceremony:

The establishment of the foundation during the Centennial underscores the Society's commitment to making students and teachers a major beneficiary of its century old mission to increase and diffuse geographic knowledge.

Recognition of the National Geographic Society's contribution to a better knowledge of the world around us, however, cannot be accomplished without recognizing the very significant contribution made by the Grosvenor family. From Gilbert H. Grosvenor, who joined the society in 1899 and served as president for 34 years beginning in 1920, to Melville Bell Grosvenor, who joined the staff in 1924 and served as president from 1957 until 1967, to his son, Gilbert H. Grosvenor, the current president who joined the staff in 1954 and became president in 1980, this is a truly talented and dedicated family. They have given to the society, and in reality to citizens the world over, generations of thoughtful, progressive leadership in geography education. We are deeply indebted to them for their unstinting devotion to a noble cause and for their brilliant leadership in accomplishing so much.

Mr. President, I know that the entire Senate joins me in congratulating the society on its first 100 years and in applauding the establishment of the new foundation as the renewal of the society's ongoing commitment and effort to imbue teachers and students with the critically important knowledge of geography.

NOTE

UNITED STATES-JAPAN AGREEMENT FOR NUCLEAR COOPERATION NEEDS REVISION

Mr. CRANSTON. Mr. President, late last year a deeply divided Reagan administration asked the Senate to approve a new agreement to govern United States nuclear cooperation with Japan.

This proposed new agreement, which would supplant an existing accord that runs through the year 2003, would give away completely the United States right to approve commercial use of several metric tons of nuclear bomb-grade plutonium each year by Japan.

The agreement anticipates two to three shipments over and through the United States of hundreds of pounds of plutonium each month for at least the next 30 years.

The agreement proposes to abandon the bipartisan policy of our Government, first enunciated by President Gerald Ford, which discourages widespread commercial use of plutonium.

It will, therefore, not surprise my colleagues to learn that this proposal to depart radically from past U.S. policy was opposed by the Secretary of Defense on urgent national security grounds.

The Department of Defense opposed this agreement in writing.

So did the independent Nuclear Regulatory Commission.

And so have strong majorities of the Senate Foreign Relations Committee and the House Foreign Affairs Committee.

It should thus be clear that opposition to this accord in its present form unites critics in the executive and legislative branches, liberals and conservatives, Democrats and Republicans, nuclear enthusiasts and skeptics.

At issue is not nuclear power per se. The issue here is the national security interests of the United States, which are inadequately protected by the new draft accord.

The Senate Foreign Relations Committee took extensive testimony on this question in two December sessions. We found that the State Department negotiators propose to give away completely the United States right to approve commercial plutonium shipments, shipments which will move through the United States each month in casks that have not been created and tested, to be used in Japanese facilities that have not yet been designed, to be protected by safeguards that have not yet been invented.

The proposal, the committee concluded, is an extreme environmental hazard, a proliferation peril and a would-be terrorists dream come true.

The senior Senator from North Carolina, JESSE HELMS, and I do not often agree on international security issues. But we both agree that the proposed new United States-Japan agreement is flawed. We both raised a number of questions about this scheme, as did Senator ADAMS, who termed the scheme "outrageous," as did Senator MURKOWSKI, who has deep concern about it in his home State, as did Senator GLENN and others.

The Foreign Relations Committee voted 15-3 that the draft agreement was not in compliance with the key provisions of the Atomic Energy Act, and must, therefore, be returned to the President for renegotiation, or resubmission with a waiver of these key provisions. The committee, in a December 19, 1987, letter which I submit for the RECORD, asked for prompt consultations with senior administration officials, with a reply requested by January 11. A majority of the House Foreign Affairs Committee took similar action.

Under the terms of the Atomic Energy Act, as amended by Congress in 1985, the new United States-Japan agreement cannot now enter into force unless Congress acts affirmatively to approve its provisions.

What has been the administration's response to date?

It has given this body the back of its hand.

It has ignored the Senate committee action.

It has ignored the House concerns.

It has ignored the law.

No response whatsoever was received by January 11, though there have been press leaks about an aggressive lobbying strategy to mislead Senators and to try to pull off a procedural end run on the Congress of the United States.

Mr. President, I am eager to work with this administration to resolve this issue. There are men and women of good will downtown who understand—indeed, who share the legitimate concerns the Congress has expressed about flying tons of plutonium through the United States of America with the Federal Government having no right to bar these Japanese shipments.

But I want to make clear here and now that there are many of us in Congress who will not allow this agreement to move forward until its defects are remedied.

We will not tolerate procedural games and parliamentary end runs by the State Department negotiators.

And while we await the beginning of a serious dialog with administration officials, we will do all in our power to block the entry into force of this new accord.

We have a number of options which we will advance in the days ahead.

We will seek to ensure that the law is upheld. We will seek to protect the rights and the responsibilities of Congress to approve any new nuclear agreement which does not satisfy basic national security safeguards contained in the Atomic Energy Act. Our purpose is simply to uphold the position of the Senate as expressed in our December 19 letter to the President.

I hope we do not have to engage in a parliamentary confrontation. I hope we do not have to contest this draft new agreement with Japan, and all licenses and contracts pursuant to it, in courts of law. I hope we can work with the executive branch in the same spirit of cooperation which marks our present dialog on the INF Treaty to address concerns about blanket approvals for commercial plutonium use.

If not, we're going to have a prolonged fight on our hands, a fight which can help protect our national security interests, but which can do little to improve United States-Japan relations, not to mention relations between Congress and the executive branch.

The letter follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, December 17, 1987.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with the provisions of Section 123b. of the Atomic Energy Act of 1954, as amended, 42 U.S.C. S2153(b) (the "Act"), we are writing to advise you that the Senate Foreign Relations Committee has concluded that the proposed Agreement for Cooperation between the Government of the United States of America and the Government of Japan Concerning Peaceful Uses of Nuclear Energy, submitted to the Congress on November 9, 1987 (the "Agreement"), is not consistent with Section 123 of the Act. The Committee respectfully requests that you renegotiate the Agreement to bring it into conformity with U.S. law. If the Agreement is not renegotiated, then it must be resubmitted to the Congress with an exemption of statutory requirements, in accordance with Section 123a. of the Act, and must await affirmative action by Congress through enactment of a joint resolution of approval.

As made clear in the Conference Report accompanying the 1985 amendment to the Act, "(t)he Congress fully expects . . . that the President will resubmit any agreement for which he has not submitted an exemption if either (Foreign Affairs) Committee during the prior consultation period recommends that an exemption is required."

In submitting the Agreement to Congress, your Administration expressed the conclusion that the Agreement "meets all statutory requirements". The Committee cannot accept this assertion. The proposed Agreement would provide for thirty-year advance consent of extraction, transport and widespread commercial use of plutonium by Japan—activities which, as the Administration itself states, are "unprecedented in . . . nature and scope. . . ." In our judgment, Section 123 of the Act unqualifiedly requires that the United States retain prior approval rights in its agreements for cooperation over the transfer and reprocessing of nuclear material. While the Administration asserts that these requirements are met, the implementing Agreement exercises in Article 1 the consent rights provisions on a one-time basis for the life of the Agreement, a proposal totally incompatible with the provisions of the Act.

The Committee also has serious reservations about the finding that the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security—inasmuch as this determination was made arbitrarily in the face of serious, written objections from both the Department of Defense and the Nuclear Regulatory Commission. The Committee also finds fault with the Administration's interpretation of the Act's requirements with regard to the "timely warning" criterion. Congress intended in the Nuclear Nonproliferation Act for timely warning to be something more than a mere restatement of the general test of "inimicality" which the Act provides for subsequent arrangements. Rather, Congress intended timely warning to be a technically-based criterion, judged in light of the workability of safeguards and physical security measures. Since the Administration has not made such a determination, we do not believe that the exercise of consent rights in the Agreement is consistent with the requirements of Section 131b.(2) of the Act. Consequently, the safeguards and physical security criteria of Section 123 of the Act are not met.

The Committee is deeply concerned about the major policy implications of the precedents which would be established by entry into force of this Agreement. Testimony taken by the Committee indicates that the U.S. is preparing to give blanket authorization for the next 30 years to air-shipment of several hundred kilograms of weapons-usable plutonium each month over and through U.S. territory. Before embarking

on such a perilous course—which could seriously jeopardize our nonproliferation interests while posing a grave environmental risk—we wish to consult with the Administration very closely. It is therefore our purpose in this letter to stop the "ninety day clock", and to begin a good faith dialogue with all parties on how the fundamental deficiencies in the Agreement can be corrected.

The Committee has reached these judgments on the basis of its own investigations, as well as its lengthy hearing conducted on December 15, 1987. Accordingly, the Committee finds that the Agreement must either be renegotiated, or, at a minimum, resubmitted with an exemption from the appropriate provisions of Section 123 of the Act. The Committee requests that your Administration communicate its intentions to the Chairman and to the Ranking Republican Member by January 11, 1988, in order to provide sufficient time to consider necessary legislative action and other remedial options.

Sincerely,

Claiborne Pell, Chairman; Jesse Helms, Ranking Republican Member; Alan Cranston, Chairman, Subcommittee on Asia and Pacific Affairs; Frank H. Murkowski, Ranking Republican Member, Subcommittee on Asia and Pacific Affairs; John F. Kerry, Rudy Boschwitz, Paul Simon, Terry Sanford, Paul S. Sarbanes, Brock Adams, Daniel P. Moynihan, Christopher J. Dodd, Nancy Landon Kassebaum, Larry Pressler, Joseph R. Biden, Jr.

WASHINGTON HARVARD SEMINAR

Mr. PRESSLER. Mr. President, on October 20, 1987, I sponsored a 1-day "Washington Seminar" for Harvard Law School graduates from the classes of 1970, 1971, and 1972. Over 125 graduates from across the Nation and overseas were in attendance to hear several presentations on Washington political affairs and national issues.

During the seminar, many speakers—including Members of the U.S. Senate, the President's Cabinet, the Supreme Court, local legal professionals, and members of the Washington press corps addressed current issues facing the Nation. I would like to take this opportunity to thank all of my colleagues who participated in the event.

The first presentation of the day was by Jay Stevens, 1973 Harvard Law School Graduate and Deputy Counsel to the President, who discussed White House operations and the role of Counsel to the President. Two distinguished members of the Senate Foreign Relations Committee, Senator JESSE HELMS and Senator JOHN KERRY, led an informative discussion on foreign policy issues and their interests on the Foreign Relations Committee.

At a luncheon in the Russell Senate Caucus Room, Supreme Court Justice Antonin Scalia addressed the group with a lively, interesting talk regarding his role on the Supreme Court and the day-to-day life of a Supreme Court Justice.

During the afternoon, Leslie Stahl, CBS News National Affairs Correspondent, gave an analysis of the national media and how public perception of many Government officials is affected by the media. Senator JOHN CHAFEE, a 1950 graduate of Harvard Law School, and chairman of the Senate Republican Conference, outlined the duties of the Republican Senate leadership and how the U.S. Senate agenda is developed.

The new U.S. Secretary of Commerce, C. William Verity, discussed his role as the new Secretary of Commerce and his goals for his term as Secretary.

Senator ARLEN SPECTER, a member of the Senate Judiciary Committee reviewed his reasons for voting against Judge Robert Bork's nomination to be a Supreme Court Justice.

Senator WARREN RUDMAN one of the coauthors of the Gramm-Rudman-Hollings Deficit Reduction Act, described that legislation, and discussed his duties as vice chairman of the Iran-Contra Committee. Senator ALAN SIMPSON described his work as the Senate Republican whip.

Wayne Kelley, publisher, of Congressional Quarterly and Richard Cohen, congressional reporter for National Journal, together discussed the coverage of politics in Washington and national policy issues.

Also, two prominent Washington attorneys, J.D. Williams and Tad Davis provided insights into the role of the Washington lawyers in shaping national policy issues.

The seminar was a great success, and I thank all of the Harvard Law graduates who attended and participated.

I ask unanimous consent that an agenda of this day's events and speakers be printed in the RECORD.

There being no objection, the agenda was ordered to be printed in the RECORD, as follows:

HARVARD LAW SCHOOL WASHINGTON SEMINAR, OCTOBER 20, 1987

Welcome remarks by Senator Pressler.

The President's Counsel.—Jay Stevens, Deputy Counsel to the President, will discuss White House operations and the role of Counsel to the President.

Foreign Affairs Issues.—Senator Jesse Helms and John Kerry, members of the Senate Foreign Relations Committee, will discuss timely foreign policy issues.

Washington Law Practice.—Prominent Washington legal practitioners, J.D. Williams and Tad Davis, will give an insight into the role of the Washington lawyer in shaping national policy.

Luncheon.

Keynote address: Supreme Court Justice Antonin Scalia.

The Senate Leadership.—Senator John Chafee, chairman of the Senate Republican Conference, will discuss the role of the Senate Leadership Offices in developing and managing the Senate agenda.

International Trade.—C. William Verity, U.S. Secretary of Commerce, will discuss international trade issues.

The Washington Press Corps.—Lesley Stahl CBS News National Affairs Correspondent followed by Wayne Kelley, Publisher, Congressional Quarterly; Richard Cohen, Congressional Reporter, National Journal. They will discuss covering of politics and national policy issues.

The Bork Debate.—Senator Arlen Spector, member of the Senate Judiciary Committee will discuss the Bork nomination.

Budget Issues and the Iran-Contra Hearings.—Senator Warren Rudman, co-author of the Gramm-Rudman-Hollings Deficit Reduction legislation and Vice Chairman of the Iran-Contra Committee, will discuss development in both areas.

Open Senate Forum.—Senators Robert Dole, Claiborne Pell, Ted Stevens, and Alan Simpson will stop by for short presentations throughout the afternoon.

JOHN J. WILLIAMS

Mr. BIDEN. Mr. President, Delawareans were saddened earlier this month by the passing of former Senator John J. Williams on January 11.

For more than two decades, John Williams was known as "the Conscience of the Senate" for his high standards of personal integrity and for his unyielding belief in government accountability. His life was a testament to the concept of "public service," and this body in particular was the better for his having served here.

I was 3 years old when John Williams was elected to the Senate, and it was only 2 years before I arrived here that he announced his retirement. During the time that I was growing up, nurturing my interest in public service, and beginning my own career, John Williams was the preeminent political leader in Delaware.

That leadership was not due to a powerful political organization, nor was it due to partisan political considerations here in Washington, for during much of his tenure, his party controlled neither the White House nor either House of Congress. Instead the nature of John Williams' leadership was the best kind—leadership by example. For it was through the strength of his character and the sincerity and firmness of his convictions that John Williams set the standard of honor for public servants everywhere.

His pursuit of that standard knew no partisan bounds, whether the offenders were highly placed members of an administration he supported, or employees of the Senate who would tarnish this body in pursuit of personal gain. When it came to the partisan political considerations of his deeds, John Williams let the chips fall where they may, taking great care to protect the reputations of innocent and honorable men and women. His 24 years in the Senate, the longest tenure of any Senator in our State's history, is proof

that, contrary to the old maxim, an honest man can succeed in politics.

All of this may sound a little old-fashioned to some people. Sometimes in a world where we too often measure success in material terms, the idea of doing right for its own sake and seeking excellence as an achievement rather than simply as a slogan does seem out-of-fashion. But those of us who were fortunate to know John Williams had a living reminder that the ideals of honor and integrity are timeless.

John Williams was a man of honor, not because he tried to be, but because he did not know how to be anything else. It was a part of his being. And those of us who felt it was the end of an era when he left the Senate feel the loss even more deeply now that he has left us altogether. But at the same time, because we all recognized John Williams as so essentially American, his life, and even his passing, serve to remind us that honor and integrity are a part of the fabric that makes this Nation what it is.

The people of Delaware, and the Members of this body, will miss him a great deal.

And that is good, for it means that we will not forget the ideals that he stood for.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

REPORT ON THE STATE OF THE UNION—MESSAGE FROM THE PRESIDENT—PM-97

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

When we first met here 7 years ago—many of us for the first time—it was with the hope of beginning something new for America. We meet here tonight in this historic Chamber to continue that work. If anyone expects just a proud recitation of the accomplishments of my Administration, I say let's leave that to history; we're not finished yet. So my message to you tonight is: Put on your work shoes—we're still on the job.

History records the power of the ideas that brought us here those 7 years ago. Ideas like: the individual's right to reach as far and as high as his or her talents will permit; the free market as the engine of economic progress; and as an ancient Chinese philosopher, Lao-tzu, said: Govern a great nation as you would cook a small fish; do not overdo it.

These ideas were part of a larger notion—a vision, if you will, of America herself. An America not only rich in opportunity for the individual but an America, too, of strong families and vibrant neighborhoods; an America whose divergent but harmonizing communities were a reflection of a deeper community of values—the value of work, of family, of religion—and of the love of freedom that God places in each of us and whose defense He has entrusted in a special way to this Nation.

All of this was made possible by an idea I spoke of when Mr. Gorbachev was here: the belief that the most exciting revolution ever known to humankind began with three simple words: "We The People"—the revolutionary notion that the people grant government its rights, and not the other way around.

And there is one lesson that has come home powerfully to me, which I would offer to you now: Just as those who created this Republic pledged to each other their lives, their fortunes, and their sacred honor; so, too, America's leaders today must pledge to each other that we will keep foremost in our hearts and minds not what is best for ourselves or for our party, but what is best for America. In the spirit of Jefferson, let us affirm that, in this Chamber tonight, there are no Republicans, no Democrats, just Americans.

Yes, we will have our differences. But let us always remember: what unites us far outweighs whatever divides us. Those who sent us here to serve them—the millions of Americans watching and listening tonight—expect this of us. Let's prove to them and to ourselves that democracy works even in an election year.

We have done this before. And as we have worked together to bring down spending, tax rates, and inflation, employment has climbed to record heights; America has created more jobs and better, higher-paying jobs; family income has risen for 4 straight years, and America's poor climbed out of poverty at the fastest rate in more than 10 years. Our record is not just the longest peacetime expansion in history but an economic and social revolution of hope, based on work, incentives, growth, and opportunity; a revolution of compassion that led to private sector initiatives and a 77-percent increase in charitable giving; a revolution that—at a critical moment in world history—reclaimed and restored the American dream.

In international relations, too, there is only one description for what, together, we have achieved: a complete turnabout, a revolution. Seven years ago, America was weak and freedom everywhere was under siege; today, America is strong and democracy is everywhere on the move. From Central America to East Asia, ideas like free markets and democratic reforms and human rights are taking hold. We've replaced "Blame America" with "Look Up to America." We've rebuilt our defenses; and, of all our accomplishments, none can give us more satisfaction than knowing that our young people are again proud to wear our country's uniform. And in a few moments, I'm going to talk about three developments—arms reduction, the Strategic Defense Initiative, and the global democratic revolution—that, when taken together, offer a chance none of us would have dared imagine 7 years ago, a chance to rid the world of the two great nightmares of the postwar era. I speak of the startling hope of giving our children a future free of both totalitarianism and nuclear terror.

Tonight, then, we are strong. Prosperous. At peace. And we are free. This is the state of our Union. And if we will work together this year, I believe we can give a future President and a future Congress the chance to make that prosperity, that peace, that freedom, not just the state of our Union, but the state of our world.

Toward this end, we have four basic objectives tonight. First, steps we can take this year to keep our economy strong and growing, to give our children a future of *low inflation* and *full employment.* Second, let's check our progress in attacking social problems where important gains have been made but which still need critical attention. I mean *schools that work; economic independence for the poor;* restoring respect for *family life* and *family values.* Our third objective tonight is global: continuing the exciting *economic and democratic revolutions* we've seen around the world. Fourth and finally: our Nation has remained at peace for nearly a decade-and-a-half, as we move toward our goals of world prosperity and world freedom—we must protect that peace and deter war by making sure the next President inherits what you and I have a moral obligation to give that President: a *national security* that is unassailable and a national defense that takes full advantage of new technology, and is fully funded.

This is a full agenda. It's meant to be. You see, my thinking on the next year is quite simple: let's make this

the best of eight. And that means: it's all out, right to the finish line. I don't buy the idea that this is the last year of anything; because we're not talking here tonight about registering temporary gains, but ways of making permanent our successes. That's why our focus is the values, principles, and ideas that made America great. Let's be clear on this point: We're for limited Government because we understand, as the Founding Fathers did, that it is the best way of ensuring personal liberty and empowering the individual so that every American of every race and region shares fully in the flowering of American prosperity and freedom.

One other thing. We Americans like the future; like the sound of it, the idea of it, the hope of it. Where others fear trade and economic growth, we see opportunities for creating new wealth and undreamed-of opportunities for millions in our own land and beyond. Where others seek to throw up barriers, we seek to bring them down; where others take counsel of their fears, we follow our hopes. Yes, we Americans like the future and like making the most of it. Let's do that now.

And let's begin by discussing how to maintain economic growth by controlling and eventually eliminating the problem of Federal deficits. We have had a balanced budget only eight times in the last 57 years. For the first time in 14 years, the Federal Government spent less, in real terms, last year than the year before. We took $73 billion off last year's deficit compared to the year before. The deficit itself has moved from 6.3 percent of the G.N.P. to only 3.4 percent. And perhaps the most important sign of progress has been the change in our view of deficits. You know, a few of us can remember when, not too many years ago, those who created the deficits said they would make us prosperous and not to worry about the debt—"We owe it to ourselves." Well, at last there is agreement that we can't spend ourselves rich.

Our recent budget agreement, designed to reduce Federal deficits by $76 billion over the next 2 years, builds on this consensus. But this agreement must be adhered to without slipping into the errors of the past—more broken promises and more unchecked spending. As I indicated in my first State of the Union, what ails us can be simply put: the Federal Government is too big and it spends too much money. I can assure you, the bipartisan leadership of Congress, of my help in fighting off any attempt to bust our budget agreement. And this includes the swift and certain use of the veto power.

Now, it is also time for some plain talk about the most immediate obstacle to controlling Federal deficits. The simple but frustrating problem of making expenses match revenues—something American families do and the Federal Government can't—has caused crisis after crisis in this city. Mr. Speaker, Mr. President, I will say to you tonight what I have said before—and will continue to say: the budget process has broken down, it needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas: budget deadlines delayed or missed completely, monstrous continuing resolutions that pack hundreds of billions of dollars worth of spending into one bill—and a Federal Government on the brink of default.

I know I'm echoing what you here in the Congress have said because you suffered so directly—but let's recall that in 7 years, of 91 appropriations bills scheduled to arrive on my desk by a certain date, only 10 made it on time. Last year, of the 13 appropriations bills due by October 1st, none of them made it. Instead, we had four continuing resolutions lasting 41 days, then 36 days, 2 days, and 3 days, respectively. And then, along came those two behemoths—a reconciliation bill, 6 months late, that was 1,186 pages long, weighing 15 pounds, and the long-term continuing resolution, 2 months late, that was 1,057 pages long, weighing 14 pounds. Not to mention the 1,053-page conference report weighing 14 pounds. That was a total of 43 pounds of paper and ink. You had 3 hours, yes, 3 hours to consider each, and it took 300 people at my Office of Management and Budget just to read the bill so the Government wouldn't shut down.

Congress shouldn't send another one of these. And if you do, I will not sign it.

Let's change all this; instead of a Presidential budget that gets discarded and a congressional budget resolution that is not enforced, why not a simple partnership, a *joint* agreement that sets out the spending priorities within the available revenues? And let's remember our deadline is October 1st, not Christmas; let's get the people's work done in time to avoid a footrace with Santa Claus. Yes, this year—to coin a phrase—a new beginning. Thirteen individual bills, on time and fully reviewed by Congress.

I am also certain you join me in saying: Let's help ensure our future of prosperity by giving the President a tool that—though I will not get to use it—is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States, the right to reach into massive appropriations bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.

And let's take a partial step in this direction. Most of you in this Chamber didn't know what was in this catch-all bill and report. Over the past few weeks, we have all learned what was tucked away behind a little comma here and there. For example, there's millions for items such as cranberry research, blueberry research, the study of crawfish, and the commercialization of wild flowers. And that's not to mention the $.5 million so that people from developing nations could come here to watch Congress at work. I won't even touch that. So tonight, I offer you this challenge. In 30 days, I will send back to you those items, as rescissions, which if I had the authority to line them out, I would do so.

Review this multi-billion-dollar package; that will not undercut our bipartisan budget agreement. As a matter of fact, if adopted, it will improve our deficit reduction goals. And what an example we can set: that we are serious about getting our financial accounts in order. By acting and approving this plan, *you* have the opportunity to override a congressional process that is out of control.

There is another vital reform. Yes, Gramm-Rudman-Hollings has been profoundly helpful, but let us take its goal of a balanced budget and make it permanent. Let us do now what so many States do to hold down spending and what 32 State legislatures have asked us to do; let us heed the wishes of an overwhelming plurality of Americans and pass a constitutional amendment that mandates a balanced budget and forces the Federal Government to live within its means.

Reform of the budget process—including the line-item veto and balanced budget amendment—will, together with real restraint on Government spending, prevent the Federal budget from ever again ravaging the family budget.

Let's ensure that the Federal Government never again legislates against the family and the home. Last September, I signed an Executive Order on the family requiring that every department and agency review its activities in light of seven standards designed to promote and not harm the family. But let us make certain that the family is always at the center of the public policy process, not just in this Administration but in all future administrations. It is time for Congress to consider—at the beginning—a statement of the impact that legislation will have on the basic unit of American society, the family.

And speaking of the family, let's turn to a matter on the mind of every American parent tonight—education. We all know the sorry story of the sixties and seventies—soaring spending, plummeting test scores—and that hopeful trend of the eighties, when we replaced an obsession with dollars with a commitment to quality, and test scores started back up. There is a

lesson here that we all should write on the blackboard a hundred times—in a child's education, money can never take the place of basics like discipline, hard work, and, yes, homework.

As a Nation we do, of course, spend heavily on education—more than we spend on defense—yet across our country, Governors like New Jersey's Tom Kean are giving classroom demonstrations that how we spend is as important as how much we spend. Opening up the teaching profession to all qualified candidates; merit pay, so that good teachers get A's as well as apples; and stronger curriculum, as Secretary Bennett has proposed for high schools—these imaginative reforms are making common sense the most popular new kid in America's schools.

How can we help? Well, we can talk about and push for these reforms. But the most important thing we can do is to reaffirm that control of our schools belongs to the States, local communities and, most of all, to the parents and teachers.

My friends, some years ago, the Federal Government declared war on poverty, and poverty won. Today, the Federal Government has 59 major welfare programs and spends more than $100 billion a year on them. What has all this money done?

Too often it has only made poverty harder to escape. Federal welfare programs have created a massive social problem. With the best of intentions, Government created a poverty trap that wreaks havoc on the very support system the poor need most to lift themselves out of poverty—the family. Dependency has become the one enduring heirloom, passed from one generation to the next, of too many fragmented families.

It is time—this may be the most radical thing I've said in 7 years in this office—it is time for Washington to show a little humility. There are a thousand sparks of genius in 50 States and a thousand communities around the Nation. It is time to nurture them and see which ones can catch fire and become guiding lights.

States have begun to show us the way. They have demonstrated that successful welfare programs can be built around more effective child support enforcement practices and innovative programs requiring welfare recipients to work or prepare for work.

Let us give the States even more flexibility and encourage more reforms. Let's start making our welfare system the first rung on America's ladder of opportunity—a boost up from dependency; not a graveyard, but a birthplace of hope.

Now let me turn to three other matters vital to family values and the quality of family life. The first is an untold American success story. Recently, we released our annual survey of what graduating high school seniors have to say about drugs. Cocaine use is declining and marijuana use was the lowest since surveying began. We can be proud that our students are just saying "no" to drugs. But let's remember that ending this menace requires commitment from every part of America and every single American—a commitment to a drug-free America. The war against drugs is a war of individual battles, a crusade with many heroes—including America's young people, and also someone very special to me. She has helped so many of our young people to say "no" to drugs. Nancy, much credit belongs to you, and I want to express to you your husband's pride and your country's thanks.

Now, we come to a family issue that we must have the courage to confront. Tonight, I call America—a good Nation, a moral people—to charitable but realistic consideration of the terrible cost of abortion on demand. To those who say this violates a woman's right to control of her own body—can they deny that now medical evidence confirms the unborn child is a living human being entitled to life, liberty, and the pursuit of happiness? Let us unite as a Nation and protect the unborn with legislation that would stop all Federal funding for abortion—and with a Human Life Amendment making, of course, an exception where the unborn child threatens the life of the mother. Our Judeo-Christian tradition recognizes that right of taking a life in self-defense.

But with that one exception, let us look to those others in our land who cry out for children to adopt. I pledge to you tonight, I will work to remove barriers to adoption and extend full sharing in family life to millions of Americans, so that children who need homes can be welcomed to families who want them and love them.

And let me add here: so many of our greatest statesmen have reminded us that spiritual values alone are essential to our Nation's health and vigor. This Congress opens its proceedings each day, as does the Supreme Court, with an acknowledgement of the Supreme Being—yet we are denied the right to set aside in our schools a moment each day for those who wish to pray. I believe Congress should pass our school prayer amendment.

Now, to make sure there is a full nine-member Supreme Court to interpret the law, to protect the rights of *all* Americans, I urge the Senate to move quickly and decisively in confirming Judge Anthony Kennedy to the highest court in the land and to also confirm 27 nominees now waiting to fill vacancies in the Federal judiciary.

Here then are our domestic priorities; yet if the Congress and the Administration work together, even greater opportunities lie ahead to expand a growing world economy; to continue to reduce the threat of nuclear arms and to extend the frontiers of freedom and the growth of democratic institutions.

One of the greatest contributions the United States can make to the world is to promote freedom as the key to economic growth. A creative, competitive America is the answer to a changing world, not trade wars that would close doors, create greater barriers, and destroy millions of jobs. We should always remember: protectionism is destructionism. America's jobs, America's growth, America's future depend on trade—trade that is free, open, and fair.

This year, we have it within our power to take a major step toward a growing global economy and an expanding cycle of prosperity that reaches to all the free nations of this Earth. I'm speaking of the historic Free Trade Agreement negotiated between our country and Canada. And I can also tell you that we're determined to expand this concept, South as well as North. Next month I will be traveling to Mexico where trade matters will be of foremost concern. And, over the next several months, our Congress and the Canadian Parliament can make the start of such a North American accord a reality. Our goal must be a day when the free flow of trade—from the tip of Tierra del Fuego to the Arctic Circle—unites the people of the Western Hemisphere in a bond of mutually beneficial exchange; when all borders become what the U.S.-Canadian border so long has been—a meeting place, rather than a dividing line.

This movement we see in so many places toward economic freedom is indivisible from the worldwide movement toward political freedom—and against totalitarian rule. This global democratic revolution has removed the specter—so frightening a decade ago—of democracy doomed to a permanent minority status in the world. In South and Central America, only a third of the people enjoyed democratic rule in 1976. Today, over 90 percent of Latin Americans live in nations committed to democratic principles.

And the resurgence of democracy is owed to those courageous people on almost every continent who have struggled to take control of their own destiny. In Nicaragua, the struggle has extra meaning because that nation is so near our own borders. The recent revelations of a former high-level Sandinista, Major Roger Miranda, show us that, even as they talk peace, the Communist Sandinista government of Nicaragua has established plans for a large 600,000-man army. Yet even as these plans are made, the Sandinista regime knows the tide is turning and the cause of Nicaragua freedom is riding at its crest. Because of the free-

dom fighters, who are resisting Communist rule, the Sandinistas have been forced to extend some democratic rights, negotiate with church authorities, and release a few political prisoners.

The focus is on the Sandinistas, their promises and their actions. There is a consensus among the four Central American democratic presidents that the Sandinistas have not complied with the plan to bring peace and democracy to all of Central America. The Sandinistas again have promised reforms; their challenge is to take irreversible steps toward democracy.

On Wednesday, my request to sustain the freedom fighters will be submitted which reflects our mutual desire for peace, freedom, and democracy in Nicaragua. I ask Congress to pass this request; let us be for the people of Nicaragua what Lafayette, Pulaski, and Von Steuben were for our forefathers and the cause of American independence.

So, too, in Afghanistan, the freedom fighters are the key to peace. We support the Mujahidin. There can be no settlement unless all Soviet troops are removed and the Afghan people are allowed genuine self-determination. I have made my views on this matter known to Mr. Gorbachev. But not just Nicaragua or Afghanistan; yes, everywhere, we see a swelling freedom tide around the world—freedom fighters rising up in Cambodia and Angola, fighting and dying for the same democratic liberties we hold sacred. Their cause is our cause. Freedom.

Yet, even as we work to expand world freedom, we must build a safer peace and reduce the danger of nuclear war. But let's have no illusions. Three years of steady decline in the value of our annual defense investment have increased the risk of our most basic security interests, jeopardizing earlier hard-won goals. We must face squarely the implications of this negative trend and make adequate, stable defense spending a top goal both this year and in the future. This same concern applies to economic and security assistance programs as well. But the resolve of America and its NATO allies has opened the way for unprecedented achievement in arms reduction. Our recently signed I.N.F. treaty is historic because it reduces nuclear arms and establishes the most stringent verification regime in arms control history, including several forms of short-notice, on-site inspection. I submitted the treaty today, and I urge the Senate to give its advice and consent to ratification of this landmark agreement.

In addition to the I.N.F. treaty, we are within reach of an even more significant START agreement that will reduce U.S. and Soviet long-range missile or strategic arsenals by half. But let me be clear: our approach is not to seek agreement for agreement's sake, but to settle only for agreements that truly enhance our national security and that of our allies. We will never put our security at risk—or that of our allies—just to reach an agreement with the Soviets. No agreement is better than a bad agreement.

As I mentioned earlier, our efforts are to give future generations what we never had: a future free of nuclear terror. Reduction of strategic offensive arms is one step. S.D.I. another. Our funding request for our Strategic Defense Initiative is less than 2 percent of the total defense budget. S.D.I. funding is money wisely appropriated and money well spent. S.D.I. has the same purpose and supports the same goals of arms reduction. It reduces the risk of war and the threat of nuclear weapons to all mankind. Strategic defenses that threaten no one could offer the world a safer, more stable basis for deterrence. We must also remember that S.D.I. is also our insurance policy against a nuclear accident—a Chernobyl of the sky—or an accidental launch or some madman who might come along.

We have seen such changes in the world in 7 years: as totalitarianism struggles to avoid being overwhelmed by the forces of economic advance and the aspiration for human freedom, it is the free nations that are resilient and resurgent. As the global democratic revolution has put totalitarianism on the defensive, we have left behind the days of retreat—America is again a vigorous leader of the free world, a Nation that acts decisively and firmly in the furtherance of her principles and vital interests. No legacy would make me more proud than leaving in place a bipartisan consensus for the cause of world freedom, a consensus that prevents a paralysis of American power from ever occurring again.

But my thoughts tonight go beyond this. And I hope you will let me end this evening with a personal reflection. You know, the world could never be quite the same again after Jacob Shallus, a trustworthy and dependable clerk of the Pennsylvania General Assembly, took his pen and engrossed those words about representative Government in the Preamble of our Constitution. And in a quiet but final way, the course of human events was forever altered when, on a ridge overlooking the Emmitsburg Pike in an obscure Pennsylvania town called Gettysburg, Lincoln spoke of our duty to Government of and by the people and never letting it perish from the Earth.

At the start of this decade, I suggested that we lived in equally momentous times—that it was up to us now to decide whether our form of Government would endure and whether history still had a place of greatness for a quiet, pleasant greening land called America. Not everything has been made perfect in 7 years—nor will it be made perfect in seven times 70 years—but before us, this year and beyond, are great prospects for the cause of peace and world freedom.

It means, too, that the young Americans I spoke of 7 years ago—as well as those who might be coming along the Virginia or Maryland shores this night and seeing for the first time the lights of this capital city, the lights that cast their glow on our great halls of Government and the monuments to the memory of our great men—it means those young Americans will find a city of hope in a land that is free.

We can be proud that for them, and for us, those lights along the Potomac are still seen this night—signaling, as they have for nearly two centuries and as we pray God they always will, that another generation of Americans has protected and passed on lovingly this place called America, this shining city on a hill, this Government of, by, and for the people.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1988.*

1988 LEGISLATIVE AND ADMINISTRATIVE MESSAGE—MESSAGE FROM THE PRESIDENT—PM 98

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was ordered to lie on the table:

To the Congress of the United States:

1988 LEGISLATIVE AND ADMINISTRATIVE MESSAGE—A UNION OF INDIVIDUALS

INTRODUCTION

In one sentence of 52 words, the Framers of our Constitution announced the proper ends of government in a free society:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The six purposes listed in the Preamble for establishing the Constitution serve as a lasting measure of the legitimate role of government. An American President has no more sacred duty than to ensure that the government stays within the constitutional limits that protect individual liberty. In assessing this Administration's policies and proposals now and for the future, the fundamental blueprint remains the Preamble of the Constitution.

In the past 7 years, our Administration has worked to restore a vision of government that was the Founders' own—a vision of a free and self-reliant people, taking responsibility for its

own welfare and progress through such time-tested means as individual initiative, neighborhood and community cooperation, and local and State self-government. The return of responsibility and authority to the individual American is now leading to a virtual renaissance in America of liberty, productivity, prosperity, and self-esteem.

Our foreign and defense policies are geared to protect American freedom against external threats, to guarantee that our liberties are secure from the aggressions of those whose values are not founded in human freedom. Protection of liberty today means not just a strong America, but also a common defense with our allies of the free world. It gives me pride to report that our mutual efforts are being rewarded with a new growth of democracy and a renewed respect around the world for this country and what it stands for. At home our challenge remains to achieve full participation in the longest peacetime economic expansion on record—in the almost unlimited prosperity which flows from genuine human freedom.

This statement of Administration policy is organized according to the six basic tenets for which the American people first ordained and established the Constitution:

I. TO FORM A MORE PERFECT UNION

In setting aside the Articles of Confederation for a new Constitution, the Framers acknowledged that the governmental deficiencies of the new Nation were of their own making. They understood that if the American republic were to endure and prosper, its organizing principles would have to be revised. The constitutional system the Framers produced has been the wonder of the free world, but after 200 years some aspects of that system are in need of repair and reform. Accordingly, I propose the following measures to "form a more perfect Union."

A. *Balanced Budget Amendment*

Before the Great Depression, the idea that the Federal government should balance its budget on a yearly basis was treated as though it were part of the Constitution. The economic crisis, and later World War II, forced the abandonment of this policy. But what may have been necessary in those national emergencies is now a permanent feature of the Federal government.

There is no question that continued Federal budget deficits, fueled by higher spending, are bad for the economy. Unfortunately, our political system makes it extremely difficult to reduce the deficit. The public interest in spending restraint is a generalized one, diffused among the entire citizenry. The special interests favoring spending on any particular program are smaller, but they fight much harder to maintain or increase spending.

Certainly, there are constructive proposals that would help control spending. Since 1981, our budgets have sought billions of dollars in reductions of outdated and outmoded programs. Members of the Congress and private think tanks have also identified wasteful spending. But the political process's inability to overcome inertia, along with the persistence of special interests, has led many Americans to despair of achieving budgetary balance without constitutional reform. That is why 32 States have applied to the Congress to call a constitutional convention for the purpose of proposing a constitutional amendment to require a balanced budget—only two States short of the number required by Article V of the Constitution.

In previous years, the Senate has approved such a balanced budget amendment that would obviate such a convention, but the House has failed to support it. This is clearly the option I prefer to achieve the constitutionally mandated balanced budget desired by the overwhelming majority of the American people.

It is imperative that the Congress consider such an amendment as a major priority for 1988, and I will be a willing partner in that enterprise.

B. *Budget Process Reform*

It is widely acknowledged, by the Congress, the press, and the American people, that the current budget process is not working. The Budget Act of 1974 was purported to streamline and rationalize the budget considerations by the Congress. The new process was to "force" the various committees to consider their recommendations in the context of the entire budget and ensure that proper attention was paid to the bottom line—the deficit.

In both substance and form, the process has failed. Deadlines are routinely missed or ignored. Enforcement mechanisms are rarely employed. Debates over the same issue occur three and four times a year. And from the size of the deficit, the process has obviously failed to provide fiscal discipline.

Over the last 7 years, total revenues paid to the Federal government have increased by over $250 billion. But total expenditures have increased by some $325 billion. Part of the increased spending, $125 billion, or half of the increase in revenues, was devoted to rebuilding our national defenses. But last year, the government spent $140 billion more on domestic programs than in 1981 and $70 billion more on interest payments due to the deficit. And for every dollar the Congress has cut from my defense request, they have added $2 to domestic spending.

Nowhere is the failure of the budget process more evident than in the annual process of developing the appropriations bills that establish discretionary spending levels making up just under one-half the total budget. The regular process requires that 13 separate appropriations bills be sent to the President well in advance of the October 1 beginning of a new fiscal year. But the norm has been anything but normal—during the last 7 years, the Congress sent only 10 of the 91 required bills on time. In the last 2 years, not one bill has been on time and all 13 have been collapsed into one massive piece of legislation.

These increasingly large spending bills, passed at the last moment before existing funding expires, deny the Congress and the Executive the ability to adequately examine their contents. The Congress cannot truly vote on their merits and the President has little ability to employ a veto.

While Gramm-Rudman-Hollings has helped restore some fiscal discipline, it simply adds another layer to an already broken process. The threat of across-the-board cuts is only partially effective as major portions of the budget are exempt. And G-R-H does not produce what a truly effective budget process should; namely, a thorough consideration of spending priorities within the constraints of available revenues. To assist the next administration in attaining the deficit targets contained in the Gramm-Rudman-Hollings law and achieve a balanced budget within the next few years, the following changes in the budget process are proposed:

Joint Budget Resolution. The budget process has so degenerated in recent years that the Presidential budget is routinely discarded and the congressional one regularly goes unenforced. The product of this breakdown is a concurrent resolution, requiring neither consultation with the Administration nor the signature of the President. As a remedy, I propose that henceforth the Congress and the Executive collaborate on a joint resolution that sets out spending priorities within the revenue available. The requirement of a Presidential signature would force both branches of government to resolve most policy issues before formulating appropriations measures. The budget process could be further improved by including in the budget law allocations by committee as well as by budget function.

Individual Transmittal of Appropriations Bills. The current practice of transmitting full-year omnibus continuing resolutions oversteps appropriation committee/subcommittee jurisdictions. More important, it does

not permit the Legislative and Executive branches to exercise proper scrutiny of Federal spending. Therefore, I propose a requirement that appropriations bills be transmitted individually to the President.

Strict Observance of Allocations. During the 1980s, an unacceptable budget practice evolved of disregarding congressionally approved function allocations. Funds regularly were shifted from defense or international affairs to domestic spending. I strongly urge that each fiscal year separate defense and non-defense allocations be made and enforced through a point-of-order provision in the budget act.

Enhanched Rescission Authority. Under current law, the President may propose rescissions of budget authority, but both Houses of Congress must act "favorably" for the rescission to take effect. The Supreme Court in the *Chadha* decision (1983) effectively moots even this limited authority. I propose a change of law that would cure the legislative veto defect and require the Congress to vote "up or down" on any Presidentially proposed rescission, thereby preventing the Congress from simply ignoring the rescission or avoiding a recorded vote.

Adopt Biennial Budgeting. The current budget process consumes too much time and energy. A 2-year budget cycle offers several advantages—among them, a reduction in repetitive annual budget tasks, more time for congressional oversight and consideration of key spending decisions in reconciliation, and fewer gimmicks, such as shifting spending from one year to the next. I am calling on the Congress to adopt biennial budgeting, beginning with a trial 2-year Defense budget.

Truth in Federal Spending Legislation. As part of my Economic Bill of Rights proposal, I outlined legislation that provides for "Truth in Federal Spending." Soon I will transmit legislation that will require any future legislation creating new Federal programs to be deficit-neutral; this will be done by requiring the concurrent enactment of equal amounts of program reductions or revenue increases. Additionally, my proposed legislation would require that all future legislation and implementing regulations be accompanied by financial impact statements detailing the measure's likely economic impact, including the effect on State and local governments. Enactment of this proposal would be an important step toward reassuring the American people that the Congress is serious about controlling government spending.

C. *Line Item Veto*

A President should have the same tools to control spending that 43 governors have. I will forward my proposal for a line item veto. It would allow future Presidents to remove from spending bills those items that are extraneous—without threatening the continuation of vital government programs. The Congress could override each veto by a two-thirds vote in each House. The budget crisis, however, also demands immediate action. For example, last month the Congress presented me with a catchall spending bill with many extraneous and costly provisions, some of which had been considered for the first time in conference. I am asking the Congress immediately to accept the responsibility for making its own processes work, rather than giving up and resorting to a continuing resolution.

D. *Super-majority Tax Amendment*

Our Founding Fathers knew that without economic freedom there can be no political freedom. Even before our Nation was full-born, nine colonies assembled in a "Stamp Act Congress" and worked their will to oppose taxation without representation. Today, we must once again resolve to put an end to irresponsible taxation and spending. We have fallen into a costly and dangerous habit, which could threaten our future prosperity, burden future generations, and reduce the incentive of individuals and businesses to create more goods and services.

It is clear that we need a mechanism to control expenditures of Americans' hard-earned money. To this end, I will send to the Congress a proposed constitutional amendment to require a super-majority vote in the Congress in order to increase the tax burden on our citizens. I urge the Congress to act expeditiously in approving this amendment and to send it to the States for ratification.

E. *Federalism—Returning Power to the People*

At the time of my first State of the Union address, it was apparent that the limited national government envisioned by the Framers had been replaced by a national government whose involvement in domestic affairs was limited only by its own will. The Founders understood that unchecked central authority threatens individual liberties. Accordingly, they constituted a Federal system of government, with all powers not specifically granted by the Constitution to the national government reserved to the States and to the people.

We have sought to revitalize the principle of federalism by reforming the institutional processes of the national government. This past October, I signed Executive Order 12612, which requires Executive officials to ensure that all proposed policies and legislation comply with federalism principles and to conduct a formal federalism assessment as appropriate, and which restricts Federal preemption of State laws. The Congress should review its legislative procedures to determine whether reforms similar to those in Executive Order 12612 are warranted.

The National Governors Association and the Advisory Commission on Intergovernmental Relations, as well as State and local officials, have been examining possible amendments to the Constitution that would restore the structural balance of power between the national government and the States. If we in Washington are unsuccessful in reviving the constitutionally crucial principle of federalism, it may become necessary to consider such proposals.

II. TO ESTABLISH JUSTICE

For 200 years our Republic has enjoyed a constitutional system that is the envy of the world. By its own terms and by the will of the American people, the Constitution is the supreme law of the land. Yet, in recent years, some have advocated and at times have succeeded in promoting a laxity in the observance of the terms of its text. Fortunately, I can count as one of the most satisfying legacies of my presidency the work my Administration has done to restore the foundations of American government through an insistence on the faithful interpretation and observance of the Constitution.

A. *Judicial Appointments*

In the elections of 1980 and 1984, I promised the American people that I would nominate judges and justices to the Supreme Court who would be faithful to the Constitution. I have kept that promise.

Our written Constitution, adopted and ratified by the people 200 years ago and amended several times since, is our fundamental law. Every government official takes an oath to abide by its provisions. For Members of the Congress, this should mean enacting laws only in pursuance of the powers set forth in the Constitution. As President, this means taking care that the laws are faithfully executed. To the courts falls the task of adjudicating cases or controversies according to the Constitution and the laws made under it. In so doing, judges must faithfully interpret the text of the Constitution, as well as laws passed by the Congress, as written, in accordance with their original meaning. To do otherwise would constitute a usurpation of legislative power never intended by the American people. With this in mind, I have been careful to nominate only judges faithful to this principle. I urge the Senate to be guided by the same standards in exercising its constitutional duty in the confirmation process.

Part of faithfully interpreting the law is seeing to it that those convicted of crimes are dealt with fairly but firmly. In this respect, I am particularly proud of my judicial appointments. Federal court records indicate that be-

tween 1981, when I first took office, and 1984, the average sentence handed down by a Federal court per conviction increased dramatically—by over 100 percent for rape, over 100 percent for burglary, and over 60 percent for murder. I will continue to nominate judges who are tough on crime. When the Senate adjourned last year, 27 judicial nominations were left pending—an unprecedented number—and other vacancies are yet to be filled as well. The Chief Justice of the United States has stated that the high number of vacancies is contributing to an enormous backlog for the Federal courts. The Senate must act expeditiously to confirm these judges.

B. *Civil Rights*

Among the greatest imperatives in establishing justice is the elimination of discrimination based on race, sex, and other immutable characteristics. Discrimination based on religion is equally invidious. This Administration has held high the banner of equal opportunity for all Americans, and we will not retreat from the fight against discrimination wherever it exists.

Our achievements have been significant. We have successfully prosecuted racial hate groups and have achieved more convictions for criminal civil rights violations than any previous administration. We have moved aggressively to enforce our Nation's voting rights laws, thereby securing for thousands of citizens the most fundamental of all rights—the right to help shape their future with a ballot.

In desegregating our Nation's public schools, we have placed the emphasis where it should be—on enhancing educational quality for all children.

I am particularly proud of our successes in moving America closer to the constitutional ideal of a color-blind society open to all without regard to race. In the workplace, we have rejected the use of quotas and have insisted on fair treatment in hiring and promotion decisions. And after 3 years of effort by this Administration, the Fair Housing Initiatives Program has finally been authorized. The Federal government will now be able to provide direct assistance to State and local governments, as well as public and private organizations, investigating complaints of housing discrimination. The 20th anniversary of the Fair Housing Act of 1968 is an appropriate time to strengthen the statute by increasing the penalties for those convicted of housing discrimination and by extending the protections of the Act to handicapped persons. This Administration will submit appropriate legislation to achieve this purpose. Every American is entitled to freedom from discrimination—to be judged on the basis of qualification and performance, not on stereotypes and unfair assumptions.

Currently pending in the Senate, however, is a bill whose vague and sweeping language threatens to subject nearly every facet of American life—from the corner grocery to the local church or synagogue to local and State government—to intrusive regulation by Federal agencies and courts. Ironically it does so in the name of civil rights. This Administration opposes this overreaching legislation known as the Civil Rights Restoration Act of 1987 (S. 557). In its stead, I have proposed a bill that provides institution-wide coverage under the appropriate civil rights statutes of educational institutions receiving Federal aid while avoiding an unwarranted expansion of Federal jurisdiction. My proposal, the Civil Rights Act Amendments of 1987 (H.R. 1881), also ensures adequate protection of religious tenets under Title IX and makes clear that no institution must provide insurance coverage for abortions or perform abortions as a condition of the receipt of Federal aid.

C. *Protection of Victims of Obscenity and Child Pornography*

In establishing justice we must be ever mindful that our cherished constitutional freedoms cannot be distorted to protect activities that exploit the innocent and defenseless. The production and distribution of obscene materials, as well as child pornography, are such activities. Our Administration has made the elimination of these materials to top domestic priority.

The Attorney General's Commission on Pornography report has resulted in several new law enforcement efforts, foremost among these being the establishment of a special enforcement unit within the Department of Justice. In a single operation in 1987 more purveyors of child pornography were federally indicted than at any time in history, and the first Federal obscenity racketeering convictions were recently returned in Virginia. However, much more can be done to protect our children and families if the Congress enacts my proposed Child Protection and Obscenity Enforcement Act of 1987. It would criminalize buying and selling children for use in pornography, and it would also prohibit dial-a-porn and cable obscenity. It would strengthen our laws against organized crime traffic in hard-core obscenity.

D. *Legal Services for the Needy*

Provision of needed legal services for those who cannot afford them is an important goal of our society. Unfortunately, the current system administered by the Legal Services Corporation (LSC) is not working. Each year the Congress has mandated that a large portion of these funds be allotted to a group of "National and State Support Centers." Since 1975 these law reform think tanks have been criticized for political involvement and have not provided and day-to-day service to the poor—the original intent of the LSC. Instead, they have concentrated on social "law reform," without regard to a particular client's needs. I call on the Congress to disallow LSC funds for political think tanks or "support centers" and through strong and specific legal language to limit any political lobbying by LSC grantees. All LSC funds should be used to assist *directly* the poor in need of legal help.

There is another way in which the needy are being badly served by LSC. A congressionally mandated policy of "Annual Presumptive Funding" precludes the possibility of awarding LSC grants on a competitive basis. LSC must be able to demand results from grantees or give other prospective grantees opportunity better to serve the poor. While stability is desirable, we must be able to weed out inefficient or incapable grantees.

III. TO ENSURE DOMESTIC TRANQUILLITY

The leading threat to domestic tranquillity comes in the form of criminal offenses of citizen against citizen. When I took office crime rates were soaring. The public, with good reason, felt unsafe in our streets and often even in homes and places of work. Determined to give America back to its law-abiding citizens, our country is in the midst of the most vigorous crime-fighting effort in its history. Passage of the Comprehensive Crime Control Act of 1984, appointment to the bench of Federal judges who are tough on crime, and an unprecedented attack on organized crime are efforts that have paid off. In spite of our successes, however, much remains to be done.

A. *Restoration of the Federal Death Penalty*

Federal statutes currently provide for capital punishment for the offenses of espionage, treason, murder, and certain other felonies such as air piracy. Except in the case of the air piracy statute, enacted in 1973, these death penalty provisions are not accompanied by appropriate procedures required since the Supreme Court's 1972 decision in *Furman* v. *Georgia* to prevent disparate application. In this respect, the Congress has lagged well behind the State legislatures, more than 40 of which have acted to adopt appropriate death penalty procedures since the *Furman* decision.

Fortunately a solution is at hand. The Comprehensive Crime Control Act of 1984 created the United States Sentencing Commission to promulgate sentencing guidelines to insure consistent, tough, and equitable sentencing. The Commission should go forward now to set in place procedures to permit the constitutional imposition of capital sentences for the most serious Federal offenses.

B. *Criminal Justice Reform Act*

To protect further society from criminals, the Congress should act

promptly on the Criminal Justice Reform Act, which I transmitted last year. By statute it would establish uniform procedures that would allow death penalty provisions in current Federal statutes to be enforced according to recent Supreme Court decisions. It also contains important reforms to curb the abuse of *habeas corpus* by convicted criminals and to promote truth in the courtroom by ensuring that evidence obtained by the police through reasonable searches and seizures can be used at trial. These important protections for the public will complete the anti-crime effort we began with the Comprehensive Crime Control Act of 1984. They were approved by the Senate in 1984 and in part by the House of Representatives in 1986. The time has come—this year—to enact them into law.

C. *Victims of Crime*

In 1982 my Task Force on Victims of Crime pointed out that all too often crime victims suffer doubly—they are first victimized by criminals and then by an inadequate justice system. My Administration has put into effect a number of the Task Force recommendations. The most important of these has been the development of model legislation mandating the protection and fair treatment of crime victims, which by 1986 had become the basis for legislative action in nearly two-thirds of the States. I am directing the Attorney General to press forward on the remaining Task Force recommendations.

D. *The Fight Against Terrorism*

Innocent Americans and freedom-loving people across the world have become the victims of terrorists. But this Nation will not be held captive to the will and whim of terrorists.

This Administration is considering a series of legislative proposals designed to strengthen our hand against terrorists. These include proposals for the expeditious removal of aliens from the United States who are engaged in terrorist activity and proposals providing for criminal and civil forfeiture of terrorists' assets.

State-sponsored terrorism, fomented by governments whose conduct and support for such acts put them outside the community of nations, remains a scourge on the international scene and a particular threat to our citizens and interests. We must further develop the rule of law against these criminals by denying terrorists the legitimacy of international instruments condoning their activities. The Senate should give its advice and consent to ratification, with certain reservations, of Additional Protocol II to the 1949 Geneva Conventions, which would serve to promote basic human rights. The Administration has rejected Additional Protocol I, which would give combatant status to terrorist organizations, and I welcome congressional support of this decision.

E. *Organized Crime*

For over a half-century this Nation has been plagued by organized crime. Due to vigorous efforts by Federal investigators and prosecutors, some of the most infamous leaders of organized crime are now facing long jail terms. This progress has come through a new strategy aimed at penetrating crime syndicates and targeting their leadership for prosecution. Strike forces have focused on several major cities such as Cleveland, Kansas City, and Boston. One of our most recent successes was in March of 1987 when a jury in New York returned 18 guilty verdicts in the "Pizza Connection" case involving $50 million in laundered proceeds from heroin sales by an organized crime group. In addition, our Administration's Comprehensive Crime Control Act of 1984 has enabled police to detain pending trial certain organized crime figures who previously could have made bail and has dramatically expanded our ability to seize and forfeit the assets of mob members.

Yet, mob-run crime is still a grave problem. Obscenity, extortion, drug importation and sales, loan sharking, illegal gambling, and murder are all crimes that we intend to hit hard during the remainder of this Administration. Our goal is to put "the mob" out of business through vigorous use of both criminal and civil statutes, by purging organized crime elements from labor organizations, and by targeting the newer, "emerging" organized crime groups to ensure that they never wield the mob's power and influence.

F. *Prison Capacity Expansion*

One result of our increased efforts to fight crime is that the number of criminals serving time in Federal prisons has increased dramatically—nearly 80 percent since 1981. We anticipate that the Federal inmate population will continue to increase in the future, particularly in light of the enhanced criminal penalties contained in the Anti-Drug Abuse Act of 1986 and the new sentencing guidelines. One of my top priorities for the next year will be to increase substantially the construction of new prison space to accommodate the increased number of criminals being removed from our streets.

G. *Drug Free America*

In the past 7 years, the Nation has made tremendous gains towards a drug free America. Today, public attitudes are clearly against the use of illegal drugs, and drug awareness is increasing. The national prevention effort has taken off with its own strong momentum. Individuals and communities, businesses and schools are taking a firm stand against the use of illegal drugs. Most important, the number of drug users is down; and our children are showing us that they are willing and able to say "no" to drugs.

We are on our way to a drug free future. Still, illegal drugs continue to destroy the lives and the hopes of hundreds of thousands of Americans each year, especially young people whose future lies before them. Since the beginning of my Administration, I have committed the Federal government to provide national leadership and support to the national crusade, encouraging and assisting private sector efforts and aggressively pursuing Federal responsibilities to stop the supply and use of illegal drugs. The National Drug Policy Board, which I established by Executive Order on March 26, 1987, has ensured that our Federal agencies work together effectively and efficiently. The Board has named lead agencies for all facets of the anti-drug program to improve coordination throughout the government and enable us to achieve maximum impact with our resources. To this end, the Board has developed a series of nine interrelated strategies.

Five strategies are aimed at reducing the supply of illegal drugs: enhanced *international* cooperation; stepped-up *interdiction* of drugs coming into the country; improved *intelligence* on drug activities; stepped-up *investigations* to eliminate drug trafficking organizations; and targeting *prosecution* of top drug organizations. Simply put, we are working with our allies throughout the world to reduce the amount of illegal drugs produced or processed; making sure that as little as possible of those illicit drugs enter this Nation; and Federal, State, and local officials are working together to investigate and prosecute to the fullest these merchants of destruction.

And we are working to reduce the demand for drugs. Nancy and I join the millions of parents across the country who know too well that real progress toward the goal of a drug free America will best be measured by preventing individuals who do not use drugs from beginning to use them and by convincing those who do use to stop.

Our four strategies to reduce demand are: *prevention education* to keep young people from becoming drug users; reduction of drug use by *high-risk youths;* improved community-based *treatment* for addicts whose drug habits have removed them from the American mainstream; and fostering attitudes of intolerance toward drug use on the part of *mainstream adults.*

Every American should be able to enjoy a drug free workplace. Schoolchildren should have drug free schools. Every citizen should be able to rely on a Federal work force free from drugs. And every American should be able to enjoy a drug free

transportation system. This Administration is working in partnership with private employers and State and local governments to ensure all four.

We are proceeding with a cooperative national effort to reduce and eventually eliminate drugs from government housing projects. The Department of Education issued *Schools Without Drugs* and has mobilized school, parent, and community efforts to take drugs away from young people and give them back their lives.

These efforts have already begun to produce results. In 1987, for the first time since the National Institute on Drug Abuse began its annual survey of high school seniors in the early 1970s, a significant drop—one-third—in current cocaine use was revealed. Ninety-seven percent of the seniors polled disapproved of regular cocaine use, and 87 percent disapproved of even trying it—strong evidence that cocaine use is no longer "in" among young Americans.

Finally, as the Nation's largest employer, the Federal government is committed to establishing a model for a drug free workplace that deals constructively with illegal drug use. We are establishing a broad drug education training program for all employees. The program includes testing of employees holding safety-sensitive positions. For example, the Department of Transportation has already implemented drug-testing programs for employees in such positions, including air-traffic controllers and airline safety inspectors. Indeed, fair and accurate drug testing is one of the few effective ways to ensure that illegal drug users begin the process of rehabilitation. Agency programs that include random testing to identify these drug users will be ready for implementation in 1988. We are putting our money where our heart is. In the past 7 years, there has been a three-fold increase in Federal spending to fight drugs, bringing the total close to $3.5 billion this year.

I worked closely with the Congress to enact the Anti-Drug Abuse Act of 1986, which embodies a national commitment to fight drug abuse through: increased criminal penalties, improved criminal investigation and prosecution, demand reduction, better international cooperation, and more effective interdiction. The Act also established the White House Conference for a Drug Free America. Already it has hosted six regional forums to facilitate information gathering and interchange on various aspects of the drug issue. The Conference will hold a national assembly in Washington next month that will expand upon the findings of the regional conferences, showcase the best of the Nation's efforts, and highlight new proposals for combatting drug use in this country. I look forward to the group's final report this spring in order to work with the Congress to implement its recommendations and promote our vision of a drug free America.

IV. TO PROVIDE FOR THE COMMON DEFENSE

Our Government has no higher duty than defense of the freedom of the American people. On this point, Alexander Hamilton and James Madison, two of the most eminent Framers of our Constitution, were in complete agreement. Wrote Alexander Hamilton in *The Federalist*, "The circumstances which endanger the safety of nations are infinite, and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed." James Madison concurred, "The means of security can only be regulated by the means and the danger of attack."

In our constitutional framework, the President and the Congress share the vital responsibility for ensuring our national security. Within this same constitutional framework, however, the President has important independent powers. Both of these constitutional principles apply to the agenda of national security issues we will face in 1988 and beyond.

Our two branches of government clearly share powers in such areas as planning and budgeting for the maintenance of our defense capability; the ratification of treaties, as in the case of the INF Treaty; and foreign economic and security assistance, that vital instrument of our foreign policy. At the same time, the Congress must respect the constitutional wisdom that only the President can act as the effective Executive agent in the conduct of foreign relations. This truth is long established in our constitutional law and practice. And the President, in order to act effectively in the Nation's behalf, needs the flexibility to respond, within the framework of law, to often unpredictable and fast-moving challenges.

In 1980, I promised as my first priority to rebuild our national defenses to meet the Soviet military challenge and to retore America's standing as leader of the Free World. Immediately this Administration went to work to rebuild our military, to restore morale in the services and national pride among our people, and to make America once again the leader of free nations. As a result, we are now able to deal from strength with our adversaries and to promote and sustain the efforts of valiant men and women around the globe who are struggling to win or preserve their freedom. Peace is our goal, but we must guard the power and responsibility to meet every challenge.

A. *East-West Relations*

On the basis of our renewed strength, and a policy of realism in the pursuit of peace, we have in the past 7 years taken great strides toward a world in which freedom can flourish. In the coming year, we face new challenges and new opportunities, and I hope that the Congress will be my partner in addressing both.

Today I have submitted to the Senate for its advice and consent to ratification the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles. This INF Treaty is the first agreement ever to *reduce* and not simply *limit* the buildup of nuclear weaponry, and it provides for the elimination of an entire class of U.S. and Soviet nuclear missiles. It contains the most stringent verification regime in the history of arms control. This treaty represents the culmination of 6 years of hard negotiation. After the West showed strength and solidarity, the Soviets joined us in an agreement to ban such weapons on both sides.

On the basis of similar strength and fortitude, and support from the American people and the Congress, we are engaged in serious negotiations with the Soviet Union on an agreement that could reduce strategic nuclear offensive forces by 50 percent. The United States and Soviet Union are negotiating for effective verification measures that would make it possible to ratify the U.S.-U.S.S.R. Threshold Test Ban Treaty of 1974 and Peaceful Nuclear Explosions Treaty of 1976.

These accomplishments depend on maintaining our strength. It should now be unmistakably clear that our determined program to rebuild our military strength and my Strategic Defense Initiative have spurred major advances in arms reduction, as well as strengthening our own and allied security. These efforts must not be undercut.

In addition, I must reiterate what I said last year—that legislating Soviet arms control positions into American law is not the way to get good agreements. I will veto legislation that undermines national security and undercuts our negotiating position.

The issue between East and West, of course, is not simply arms control. Efforts by the Soviet Union and its surrogates to suppress freedom are major sources of international tensions. Experience shows these efforts to be significant obstacles to improvements in U.S.-Soviet relations.

Human rights and regional conflicts are key issues on my agenda with the Soviet Union. Unfortunately, I can report to you only very limited improvement in both of these areas. For instance, while a few Soviet political prisoners have been released, and there has been some increase this past year in the emigration of Soviet Jews, many more prisoners remain, and many thousands of Soviet Jews are

still denied the basic right to emigrate. Furthermore there has been no significant change in Soviet involvement in or provocation of regional conflicts, despite the repeated Soviet lip service to the need for peaceful solutions.

B. *Defense Budget*

Our defense budget proposals represent an essential program for maintaining our defensive strength. The defense budget has already been reduced to levels that will require us to delay the achievement of important defense objectives. Anything less will jeopardize not only our national security and that of our allies but also the prospects for fair agreements negotiated with our adversaries.

With this in mind we must continue with the Strategic Modernization Program as an essential guarantor of Free World security at the same time as we seek clear-cut and effectively verifiable strategic arms reductions. We must also continue the modernization of nuclear, conventional, and chemical deterrence forces supporting our commitments to our allies. Additionally, we must ensure that the conventional force disparities between NATO and the Warsaw Pact are redressed through a combination of negotiated reductions and the strengthening of NATO capabilities.

My Strategic Defense Initiative (SDI) is not simply a program of research and development of new technology. It offers hope of a reorientation of strategy—hope for a world in which strategic defenses, which threaten no one and can block a ballistic-missile attack, play a greater role in maintaining deterrence. This is a vital program. It is an investment in a safer world for our children, and it is insurance against violations of arms reduction agreements. It reinforces our negotiating efforts. I will ask the Congress to provide increases in funding necessary for essential SDI research, development, and testing. It is a cornerstone of our security strategy for the 1990s and beyond. And when it is ready, we will deploy it.

Despite reductions in defense funding, we must attempt to maintain the strength of our technology base, pursuing new developments in conventional weapons technology. We must also continue our Armaments Cooperation initiatives with our allies to realize improvement in acquisition management and the advantages of shared technological advances among our allies.

We will maintain, where necessary, the deployment of U.S. military forces throughout the Free World as a deterrent to those who might act to threaten peace and freedom and as evidence of solidarity with our allies and other friendly nations.

We must continue to develop and to exercise our capabilities to respond to low-intensity conflict. These simmering confrontations below the threshold of large-scale conventional war undermine the political, economic, and security interests of the United States and its allies and friends.

We must complete the revitalization of our special operations capability begun early in this Administration and preserve that capability in the ensuing years.

Similarly, we need a vital and effective intelligence capability. We must ensure that this capability is effectively managed and that the President has the ability to employ its flexibly. I will not accept legislation governing the conduct of intelligence activities that does not preserve the flexibility that is required if our intelligence community is to do its job. To improve the military intelligence support to U.S. military commanders, especially in the vital area of human intelligence collection, I am seeking legislation to authorize the Secretary of Defense to establish commercial entities to provide cover for certain Department of Defense foreign intelligence collection activities.

As we address the resources requirements for our defense efforts, we must also streamline the process of resource allocation. For this reason, I urge the Congress to shift fully to a 2-year defense authorization and appropriation cycle. This Administration continues to press initiatives that streamline and strengthen the Federal procurement process to dramatically increase competition in the award of Federal contracts. We are placing particular emphasis on the findings of the Blue Ribbon Commission on Defense Management (The Packard Commission) and especially those recommendations having government-wide effect.

C. *Democracy and Freedom*

America's goal is both peace and freedom. Americans have always believed that liberty was not the birthright of a fortunate few but of all mankind. And we are inspired in this period by the stirring sight of democracy flourishing anew in many regions of the world—from Latin America to the Philippines to the Republic of Korea.

Most remarkable is the struggle of those directly resisting aggression sponsored by the Soviet Union and its surrogates—in Afghanistan, in Cambodia, in Nicaragua, and in Angola.

I strongly support the cause of the brave Freedom Fighters of Nicaragua. On this issue there have been differences between the Executive branch and the Congress, but there are also shared principles: that there must not be a Cuban or a Soviet-bloc military base in Nicaragua, because such a base would threaten the United States and the other nations in the Hemisphere; that Nicaragua must not pose a military threat to its neighbors or provide a staging ground for subversion or destabilization; and that Nicaragua must respect the basic freedom and human rights of its own people, including the original pledges the Sandinista regime made to the Organization of American States in 1979.

It is now widely accepted that democracy *within* Nicaragua is the core issue in the conflict in Central America. It is the attempt of the Communist Sandinista regime to consolidate its monopoly of power that has led to armed rebellion. The Guatemala Peace Accord, reached last August, recognizes the importance of democracy within Nicaragua—of total amnesty for political prisoners, of negotiations with the armed resistance for a ceasefire. The outcome of the January 15 San Jose meeting to evaluate compliance with the Guatemala Peace Accord presents important opportunities to further peace and democracy in the troubled Central American region.

At the San Jose Summit there was a clear consensus among the four Central American democratic presidents that the Sandinistas had not complied with the Peace Accord. By making his last-minute promises President Ortega acknowledged the accuracy of that judgment.

The key issue is whether the Sandinistas are now committed to genuine and enduring democracy or do they just seek the elimination of the Nicaraguan Democratic Resistance.

The Nicaraguan Democratic Resistance is the best insurance policy for keeping the peace process on track and producing a democratic outcome in Nicaragua. This is not the time to falter in our support for the Freedom Fighters. The United States must not abandon those fighting for democracy in Nicaragua until true democracy is attained.

In Afghanistan, we maintain our firm and unwavering support for the heroic struggle of the Afghan Resistance against the Soviet occupation. We will never agree to any steps that put the Afghan Resistance, or Afghan hopes for self-determination, at risk.

We support a peaceful solution, but such a solution can be achieved only if the Soviet Union withdraws its forces promptly and completely and allows Afghans themselves to determine their political future. As I reminded Secretary General Gorbachev during the December Summit, a prompt and permanent Soviet withdrawal would open the way to futher improvements in U.S.-Soviet relations. Let 1988 be the year that sees an end to the Soviet occupation of Afghanistan.

We shall continue our policy in the Persian Gulf to promote stability in the region, maintain freedom of navigation, and promote peace between Iran and Iraq. This bloody conflict has been prolonged because of Iran's intransigence and its attempts to intimi-

date and threaten the countries of the area and disrupt freedom of navigation. As a result of our policy, we have broadened and strengthened our relationship with the countries of the Gulf Cooperation Council, and our vital interest in the free flow of oil in and out of the Gulf has been protected. We are actively pursuing an arms embargo resolution against Iran, which has refused to comply with the cease-fire demand of the United Nations Security Council.

At the same time, we will work actively to promote peace between Israel and its Arab neighbors. The violence in the West Bank and Gaza is a vivid reminder of the dangers of the status quo. We, along with those in the area, must work together to give the Palestinians a reason for hope, not despair. Stability in the Middle East requires a just and lasting settlement of the Arab-Israeli conflict—a settlement that both assures Israeli security and recognizes the legitimate rights of the Palestinians. We are committed to achieving such a settlement.

The cause of democracy and freedom worldwide is promoted by our program of economic and security assistance to our allies and friends. Central to our security and to the preservation of peace are our ties with allies and friends, including NATO and our East Asian allies—Japan, Korea, the Philippines, and Thailand. Enormous progress has been made in this decade in restoring America's influence in the world and in expanding the horizons of democracy. To further reduce our foreign assistance programs would be a tragic mistake. Economic assistance, especially when coupled with wise internal policies, helps friendly countries prosper; security assistance helps them carry the burden of their self-defense, often in regions of strategic importance for the Free World. In many cases, our aid programs help countries on whose territory there are facilities that support the mutual defense or whose democratic aspirations we wish strongly to support—such as the Philippines. Our assistance programs have also been vehicles for encouraging structural economic policy reforms that promote prosperity, in part through greater reliance on free markets. This crucial support for basic American goals must be restored.

Since the enactment of comprehensive reform of our Nation's immigration laws in the fall of 1986, the flow of illegal aliens across our southern border has been reduced significantly. Our Nation continues to provide open avenues of legal immigration that each year allow 600,000 people to join our ranks as permanent residents. As in the past, a significant portion of these new arrivals are individuals seeking refuge from oppression in their home countries. I am pleased to report the Department of Justice has taken two important steps toward fairer, more expeditious consideration of the asylum applications of persons suffering persecution because of their religious and political beliefs. An Asylum Policy and Review Unit, charged with reviewing asylum cases, has been created directly within the Department. In addition, a change has been proposed in the Immigration and Naturalization Service that would give specially trained Asylum Officers jurisdiction to interview applicants and render decisions, while preserving for each applicant an opportunity for a new hearing before an independent immigration judge. Our Administration is also studying a further restructuring of the asylum process to ensure that asylum and refugee cases are considered from a humanitarian perspective.

As General Vessey's visit last summer to Vietnam indicated, we remain committed to obtaining the fullest possible accounting of our men missing in action in Southeast Asia.

D. *The Economic Dimension of Freedom*

We remain active in promoting free economic institutions in the developing world. In this connection, the Administration strongly supports the intent of the Caribbean Basin Economic Recovery Expansion Act, which would extend the Caribbean Basin Initiative (CBI) for an additional 12-year period and enhance the program's duty preferences. While not supporting every specific provision in the bill, such as the one concerning sugar, the Administration shares the goal of strengthening the CBI and is proposing modifications and alternatives to reach that goal. In addition, the Senate should give its advice and consent to the ratification of the Bermuda Tax Treaty, and the Congress should enact the complementary tax law changes. These actions would help regularize our economic ties with this strategically important island.

The United States has been in the forefront of Western nations helping Africa to alleviate food shortages due to drought, war, and destructive economic policies as in Ethopia. For example, in June 1987 I set a common goal for all U.S. economic policies and programs for Sub-Saharan Africa—to end hunger there through economic growth and private sector development, and I am now implementing that decision. At the same time, we have had some success in promoting economic policy reform in Africa, which is now bringing the benefits of investment incentives and free markets to a number of countries that began their independence burdened by stultifying centralized structures. Senegal, Ghana, Cameroon, Botswana, and Malawi are some of the countries adopting market-oriented reforms.

To meet future oil supply disruptions that might develop, it is important that additional oil reserves be placed in the Strategic Petroleum Reserve to meet our 75-million-barrel target. In the section "Strengthening America's Energy Security," which follows, I outline several steps that will strengthen America's overall energy security.

I am proud that our Administration has instituted an effective and prudent system of safeguarding our strategic interests in East-West trade. We cannot let our adversaries acquire through trade vital technology that would strengthen their military capability against us. At the same time we are determined to harmonize trade control practices with friends and allies both to enhance their effectiveness and to avoid undermining the competitive position of U.S. exports.

V. TO PROMOTE THE GENERAL WELFARE

As James Madison observed in *The Federalist*, No. 41, the meaning of the "general welfare" is restricted to that public happiness which the government may promote by its clearly enumerated powers. Permitting general and unlimited powers to government, even though these might be used with the best motives, would render the Constitution useless as a safeguard for individual freedom.

This Administration is deeply committed to decreasing the power of the Federal government to its intended scope and to increasing the power of individuals. These policies establish conditions most conducive to individual initiative and enterprise and, consequently, to the creation of wealth and public well-being. The preservation of freedom, the highest value in our Republic, requires placing the rights of individuals above the power of government. The great challenge of our national government is to use only its carefully enumerated powers in promoting the general welfare by empowering individuals to help themselves.

A. *Empowering Individuals to Control Their Own Resources*

If individuals are to possess genuine autonomy then they must be free to control their own resources, to enjoy the fruits of their labor, and to keep what they earn, free from excessive government taxation and spending. To further this ideal, I propose the following six specifics:

1. *Tax Policy.* Experience has shown that higher taxes ultimately fuel higher spending and do not improve the deficit. During the past 7 years, tax revenues generally have increased, but spending has still increased 27 percent more than tax revenues. This is the true source of the deficit.

Those who favor higher taxes ignore the impact of such taxes on the economy. By reducing and reforming taxes we have seen unprecedented economic growth, high rates of job creation, and

increasing productivity for over 60 months. During this period of time, the Administration has lowered income tax rates and removed the automatic tax increases caused by inflation. Future tax policy must preserve these and other gains made on behalf of the American taxpayer. Tax increases should also be opposed on the basis of their burden on economic growth. These include, but are not limited to, returning to higher marginal rates for individuals or corporations; repealing indexing; creating a value-added tax or increasing excise taxes; increasing taxes on capital or energy sources; and levying new taxes on securities transfers or corporate takeovers.

2. *Reduction of Capital Gains Tax Rate.* The tax reforms accomplished in 1986 did much to remove provisions that inhibit economic prosperity. The most important piece of unfinished business is to reduce the capital gains tax rate to the level that will generate the savings and investment necessary for future economic growth.

Past experience demonstrates that lowering the capital gains tax rate will mean increased realizations of capital gains upon which taxes are paid. When capital gains tax rates increase, investors tend to hold rather than sell their assets. If investors hold their assets until death, they can pass their untaxed gains on to their children, resulting in no income taxes paid on those gains. When the capital gains tax rate was increased in 1969, for example, it led to an immediate reduction in the amount of capital gains realized. By contrast, a reduction in the capital gains tax rate in 1978 and again in 1981 led to significant increases in capital gains realizations.

Reducing the capital gains tax rate to an agreed-upon optimum should be a cornerstone of tax reform for the 1990's. I will consult with the Congress about achieving this rate reduction as soon as possible.

3. *Raise Revenues with User Fees.* The burden of reducing the deficit must not be allowed to hamper the productive element of society—the private sector. Raising new revenues must be confined to areas where they will not burden productivity. I believe that user fees for services are a sensible alternative to a policy where revenues are unrelated to expenditures, where some citizens are singled out for gain while others are excluded. Additionally, user fees promote efficiency by encouraging individuals to use the proper level of government services.

4. *Spending Restraint.* We all recognize that reducing the size of the Federal deficit is a top priority. The 2-year budget agreement that the Congress and I worked out last fall is a first step. But we must go further and reduce the size and the cost of the Federal Government. I will apply the following principles in considering new appropriations and authorization legislation, which I urge the Congress also to follow: eliminate pork-barrel spending that uses national funds to benefit local interests; work toward subsidy-free business and agriculture marketing; avoid creation of new entitlement programs and additional cost-of-living increase provisions; direct public assistance to the needy; and provide for necessary discretion to promote efficient administration of Federal programs. Moreover, the Congress should avoid attaching appendages to spending bills that authorize unnecessary programs and go beyond the enumerated powers of the National Government.

5. *Government Management Improvements—Government of the Future.* When I became President, one of my earliest priorities was to try to reestablish the proper relationship between the Federal Government (which had grown much too large and too powerful) and the State and local governments; and between government and the private sector. In 1981, through our federalism and deregulation initiatives, we placed greater responsibility at the State and local level and in the private sector. We are continuing those efforts.

But as we look forward to the beginning of the 21st century, we need to update our perspective on the proper role of the Federal Government and examine what needs to be done to prepare for the changes that will take place. For example, we expect the population to grow to over 268 million people. Changes in technology and communication will link the world's economies, trade, capital flows, and travel as never before. I have asked the Office of Domestic Affairs to work with the President's Council on Management Improvement to conduct an indepth review and recommend to me by August what further adjustments have to be made in the Federal role to prepare for these anticipated changes. This summer I look forward to receiving their report, "Government of the Future," which will also incorporate plans of my "Reform '88" program.

Meanwhile, those responsibilities that legitimately fall within the enumerated powers of the executive branch should be managed to deliver quality service to all of our citizens. Our government has a major effect upon the daily lives of all of us through the direct delivery of services, the payment of financial assistance through various entitlement programs, the collection of taxes and fees, and through regulating commercial enterprises. My 1988 management priorities will be to complete the "Reform '88" management improvement program I started 6 years ago; to overhaul the administrative, financial, and credit systems in our Federal Government; to implement productivity and quality plans in each agency; and to direct the Office of Personnel Management to examine the needs of the Federal work force of the future.

My goal, therefore, is to ensure that my administration leaves a "legacy" of good management of today's problems—with plans in place to handle tomorrow's challenges.

6. *Social Security Reports to Participants.* Virtually all workers are required to participate in the social security system. But the average worker does not know the level of benefits that would be paid his family should he die, become disabled, or retire. As a result he cannot make plans for any supplemental benefits and insurance he may need.

I am pleased to announce that before the year is over the Social Security Administration will begin providing upon request reports similar to those frequently provided to employees who receive private sector benefits. The social security report will contain a clear and detailed statement that outlines a participant's credited earnings and social security taxes for each year; indicates his current eligibility status; and sets forth an estimate in current dollars of the current and future benefits available to him.

B. *Freeing the Individual From Government Dependency.*

It is a fact of American life that many Federal programs, while attempting to help the poor, have made them more dependent on the Government. Much is within our reach to help dependent citizens lift themselves to self-sufficiency:

1. *Reducing Welfare Dependency Through Opportunity.* The current welfare system has trapped too many Americans in a dependency on welfare that is hard to break and easy to pass on to succeeding generations. In recent years, a consensus has emerged that it is through work and the acceptance of responsibility that people develop the self-esteem to pull themselves up from dependency.

Last year I launched a major effort to encourage the States, working with established community self-help groups, to undertake a wide range of "workfare" and other responsibility-building reform experiments. Experience has clearly shown that it is in the States that real welfare reform will occur. This was true back in the 1970's in California when we started this movement; it is increasingly the case today. The States and my objective is to make work and self-sufficiency more attractive than welfare. However, because the current welfare system is so complex and restrictive in its endless rules and restrictions, we need legislation to give the States added flexibility and encouragement to under-

take truly innovative and individualized reform experiments.

Last August I endorsed H.R. 3200/S. 1655, legislation that represents a constructive and fiscally responsible approach to reducing welfare dependency. This legislation would help more people become self-sufficient through mandatory participation requirements and a flexible work and training program. It would strengthen our ability to require absent parents to support their children. It also contains the broad waiver authority States need to implement their own ideas and make the welfare system more responsive to the needs of each particular State. I call on the Congress to enact this legislation and not use the present consensus on the need to reform our welfare system as an opportunity simply to expand the benefit levels, which would lead to increased dependency.

Even under the limited authority of current law, many States have undertaken or are planning such experiments. To assist them I have established the Interagency Low Income Opportunity Advisory Board to facilitate "one-stop shopping" for the States as they deal with the Federal Government and to advise my Cabinet on the impact of the State proposals on the Federal welfare system.

Recently this Board facilitated multi-program waivers of Federal programs to the States of Wisconsin and New Jersey, enabling them to launch broad-based welfare reform initiatives. Wisconsin's program structures benefits to make participation in work and training programs more attractive than simply collecting welfare. New Jersey's Reaching Economic Achievement ("REACH") program employs widespread mandatory work requirements, together with the services intended to make long-term employment a reality, and promises savings through reduced case loads. We need more such experiments, emphasizing the close tie we know exists between achievement through work and the feelings of self-worth essential to personal economic independence.

2. *Removing Barriers to Home Ownership.* Historically our freedom has been symbolized by the opportunity for every American family to own and occupy housing. The success of our economic recovery program has caused inflation and mortgage interest rates to decline, making it easier for more Americans to buy homes. To make housing even more affordable, this Administration is working with home builders and local officials to overcome government delays and cost-adding regulations. I am also pleased that the recently passed housing bill granted permanent authority for the FHA mortgage insurance program that increases the availability of credit to American home buyers. The bill also accepts my recommendations for extending the availability of rental housing vouchers to rural as well as urban areas. These vouchers will give meaningful choice to the individuals intended to be beneficiaries of housing programs. Moreover, the bill endorses the concept of tenant ownership of public housing. In order fully to empower occupants of public housing to own their own homes, I will be acting on the recommendations of the President's Commission on Privatization to develop a proposal to sell at a discount existing public housing to the current occupants, thus mirroring the success this approach has enjoyed in Britain.

3. *Strengthening the Family.* It is one of our country's most basic principles—where there are strong families, the freedom of the individual expands. The strength and stability of the American family provide essential armor for individuals in the fight against poverty. Only a few years ago, the American household of persons related by blood, marriage, or adoption—the traditional definition of the family—seemed in peril.

I have sought to further policies that recognize the importance of a stable family life. For example, the tax reforms of 1986 contributed to family stability by increasing personal exemptions. Last fall I issued an Executive order on the Family requiring that every department and agency review its proposed activities in light of seven standards designed to promote and not harm the family. The Offices of Management and Budget and Policy Development are charged with the responsibility of reviewing future Executive branch activity to ensure that it meets these standards. In addition, the Congress should require a statement that determines the impact legislation will have on the American family.

In March, I will receive a report from the Office of Policy Development on the impact of existing policies and regulations on the family. At that time I will take administrative action and propose legislation necessary to correct policies that do not conform to the family criteria.

4. *Strengthening Communities Through Enterprise Zones.* Despite the economic prosperity enjoyed by most of the Nation, some regions remain economically depressed. The key to revitalizing these areas is not new or expanded government programs, but free enterprise. In 1981, I proposed the creation of enterprise zones in which economically depressed areas could receive tax and regulatory relief in order to expand private economic activity and opportunity within the zones and create jobs in the process.

More than half the States have set up their own enterprise zones, even without Federal incentives. These zones have created new jobs and spurred billions of dollars in capital investment. Their success is testimony to the power of this concept and is just a small indication of how much could be accomplished if Federal incentives were added to those of States and localities. Adding Federal incentives would make existing zones far more economically attractive and successful and would also encourage more State and local zones. Accordingly, I am renewing my call to the Congress to take up effective Federal enterprise zone legislation that will complement the State programs.

5. *Independence Through Excellence in Education.* Individuals well instructed in basic skills, important knowledge, sound values, and independent reasoning are better equipped to participate in America's continued freedom and prosperity. In 1981, however, our educational system was suffering from a 20-year decline in academic achievement. Yet spending per pupil had nearly doubled since 1970, and Federal spending for education had increased over 3,000 percent since 1960. It has now risen to more than $20 billion. But while funding is very important, money without genuine commitment does not lead to educational excellence.

In 1983, the National Commission on Excellence in Education launched a national renaissance in education by identifying problem areas and suggesting solutions for State and local programs. In its ground-breaking report, *A Nation At Risk*, the Commission recommended that the States and localities return to the basics in curriculum and strengthen high school graduation requirements. Additionally, my Administration urged the States and localities to consider merit pay and competency testing to improve the abilities of educators. As a result of the Commission's and our efforts, some school systems began to turn away from a smorgasbord curriculum and toward a more structured, traditional program designed to educate good citizens and to enable all students to participate in the opportunities our society offers in abundance. But despite this progress, we still have a long way to go. For example, only 5 percent of American 17-year-olds have advanced reading skills; an average high school student takes only 1.4 years of history. In April the Department of Education will complete its review of progress made since the issuance of *A Nation at Risk.*

Last month the Secretary of Education unveiled a model curriculum in a report entitled *James Madison High School.* This report outlined a year-by-year slate of courses in English, social studies, math, science, foreign language, fine arts, physical education, and health, and proposed that they be made graduation requirements for all students. Four years of English would

include American, British, and world literature. Three years of social studies would include western civilization, American history, and Principles of American Democracy, with a hefty dose of geography throughout. This is the kind of curriculum that will help America's young people meet the challenges of the next century. Although a public high school curriculum must be set at the State or local level, I hope school officials will examine the model curriculum proposed in *James Madison High School.*

In addition to "back to basics" reforms, American education would benefit from greater parental involvement. In July 1987, as part of my Economic Bill of Rights, I stated that we must recognize the right of parents to have their children educated, publicly or privately, without unreasonable regulation or interference from State or Federal Governments. To that end, I am establishing a working group in the Domestic Policy Council that will examine the parental role in education and make recommendations for strengthening parents' rights.

Improving choice in education continues to be an important goal of this Administration. Study after study has found that when parents have a say and are involved in their children's education, the children do better in school. For example, the Congress should authorize a program of giving parents a choice of schools when providing Federal funds to benefit students.

I will continue to encourage efforts to advance parental choice through expansion of the magnet schools program, as well as in the compensatory education programs financed through Chapter 1 of the Education Consolidation and Improvement Act. Compensatory education programs provide additional services to children most in need of extra help in mastering basic skills. Enhancing parental choice is particularly critical in the education of disadvantaged children, who are the focus of the Chapter 1 program.

But I do not intend to stop there. Polls show that millions of Americans would like, but do not have, the ability of choosing the education program and institution that is best for their children. A voucher system at the State level would empower parents. I will ask the Department of Education to develop model voucher legislation and make it available to the 50 States, so that they can implement programs that promote choice in education.

A college education is part of training for tomorrow's challenges. However, since 1980 the cost of a college education has risen more than twice as fast as the Consumer Price Index, and many Americans are wondering whether their children will ever be able to go to college. Colleges set tuition, not the Federal Government. It is my hope that our Nation's universities will act to reduce the cost of higher education without sacrificing quality in core fields. To help college students from families of limited means, I propose an increase in the maximum Pell Grant to $2300.

I will also ask the Congress to approve creation of College Savings Bonds. These bonds will offer an incentive for lower- and middle-income families to save now for the future education of their children. Interest on bonds used for this purpose will be free from taxation.

While we do our part to help finance college education, students must do their part and act responsibly. Most do, many do not. The taxpayers will spend over $1.6 billion this year to pay off student defaults. To ensure that tomorrow's students do not lose out because Federal guarantees are abused, the Department of Education will propose a rule holding schools and colleges accountable for excessive rates of default on Guaranteed Student Loans. Schools in which there is a disproportionately high number of student defaults will face the loss of eligibility for student aid.

Other policies addressing this problem include: providing better information to students on their duties when they borrow and when their debts are due; use of the IRS to take money owed out of tax refunds; use of collection agencies and litigation to go after the worst offenders; and increasing the incentives for lenders and guarantee agencies to do a better job of collecting loans.

6. *Protecting the Health of Citizens.* Government promotion of public health has enabled many individuals to participate fully in society. The Federal Government now has the opportunity to assist elderly persons who fall victim to catastrophic illnesses and to lead the fight against diseases such as AIDS.

I am asking the Congress to enact my proposal for Federal coverage of catastrophic health care costs incurred by Medicare beneficiaries. This legislation, which I negotiated with the Senate, would provide affordable catastrophic coverage.

Additionally, the Office of Personnel Management has a new proposal before the Congress to help Federal workers deal with long-term health care needs—both nursing home and home health care. This proposal will serve as an example for *privately funded* long-term health care. No new Government funds will be needed to provide this additional insurance. It will be made available through the already-existing life insurance program for Federal employees, with a small additional premium from employees, enrolled in the program.

We must continue to take preventive measures against AIDS while at the same time treating AIDS victims with compassion and care. Although increased Federal funding is not the only solution, I am proposing $1.5 billion in fiscal 1989 for research, treatment, testing, counseling, and education, up ten-fold since 1985. Administration scientists were centrally involved in the discovery of the Human Immuno-deficiency Virus (HIV), developing the HIV blood antibody test and the anti-AIDS drug AZT. And testing has been initiated in human volunteers for two experimental AIDS vaccines.

However, the primary responsibility for avoiding AIDS lies with the individual. As the Surgeon General, the Secretary of Health and Human Services, and the Secretary of Education have been reminding us all, the best way to prevent AIDS is to abstain from sex until marriage and then to maintain a faithful relationship, as well as to avoid illicit drugs altogether. If the American people follow this wise and timeless counsel, if our schools and families and media communicate it effectively, the spread of AIDS can be greatly diminished.

For our young people, education is crucial for AIDS prevention, and parents have the primary responsiblity for this. The Department of Education released *AIDS and the Education of Our Children* last October to assist parents and educators in this effort. This publication reflects my conviction that educational efforts in the schools should be determined locally and with deference to parental values.

In 1987 I announced a policy of expanded routine testing, which is essential for early diagnosis and treatment of infected individuals, for protection of the public, and for assisting Federal, State, and local policymakers in dealing with this epidemic. I also established the Presidential Commission on the HIV Epidemic and will receive their final recommendations this summer.

I have directed the Public Health Service to undertake a comprehensive program to determine the extent of HIV infection and full-blown AIDS. We need to know more about the dynamics of this disease, its prevalence, and its rate of spread. Beginning in March 1988, the Centers for Disease Control will produce quarterly reports on the progress in implementing this program.

I am directing the Food and Drug Administration to accelerate its review of new therapeutics, vaccines, blood-screening tests, and other products to fight this disease.

C. *Freeing Individuals to Pursue Productive Endeavors*

I believe all individuals should have the right to pursue their livelihood in their own way, free from excessive Government regulations and Govern-

ment-subsidized competition. Greater personal autonomy, not a paternalistic "industrial policy," is the path to greater American competitiveness. As the 1987 Nobel Laureate in Economics, James Buchanan, recently pointed out:

"We now have in place the scientific and technical tools that enable us to make meaningful comparisons between the workings of an industry in an unregulated, privatized setting and the workings of the same industry in a regulated or controlled setting."

Our experience with deregulation over the past 7 years has demonstrated the superiority of industry inspired by private initiative rather than controlled by Federal regulations. Accordingly, I am instructing my administration to take all possible measure to provide individual Americans with the greatest possible range of economic opportunities, and I invite the Congress to join me in further deregulating our economy and in promoting free trade among free nations. Here are nine areas on which the Administration will focus:

1. *Deregulation of Key Industries.* Back in 1980, I promised to get the Government off the backs of all individual Americans—working men and women, consumers, and businessmen and women. More than 7000 new regulations were issued in my predecessor's last year in office. This had to stop. At my direction, various departments have acted to reduce the scope and cost of Federal regulation. We have accomplished a great deal. For example, we have expedited Federal approval of experimental drugs, making them available to treat serious or life-threatening diseases when other treatments do not work.

Individual Americans have access to more goods and are able to travel more easily and at less cost because of deregulation. today, for the first time in 30 years, the railroad industry is financially stable because of economic deregulation. Shippers and consumers across the Nation benefit from real cost reductions brought on by more competition. And, despite some problems inevitable in a large, dynamic industry, airline consumers now enjoy about $11 billion per year in lower fares, a great number of flight options, and a safe, efficient air transportation system unequaled by any nation. Our free market policies have worked. Although we must continue our vigilance to assure safety, we must not, in any form, re-regulate these industries.

The current relaxation of Federal regulation of the trucking industry has demonstrated the tremendous potential of individual Americans. Now is the time to complete the deregulation process. I ask the Congress to pass the Administration's Trucking Productivity Improvement Act of 1987 to remove the last vestige of Federal regulation of the interstate trucking industry and ensure that the States do not re-regulate the interstate and intrastate operations of interstate trucking firms. Already the progress of rail and trucking deregulation has made the Interstate Commerce Commission an anachronism. It should be abolished as proposed in legislation sent to the Congress last year.

This Administration has sought to promote the free flow of information among individuals by freeing the telecommunications industry from intrusive government control. In this "Age of Information" America risks losing its position as the world's leader in information and telecommunications technology—not because we lack the talent, the resources, or the will, but because we have needlessly regulated our telecommunications industry.

Another area in which deregulation has promoted individual freedom is the broadcasting and cable industries. I have strongly supported the elimination of the so-called "Fairness Doctrine" as an unconstitutional infringement upon the freedom of the press, and I will continue to resist any legislation that attempts to reverse this Federal Communications Commission [FCC] action. This Administration has also insisted in the courts that the cable industry receive the same First Amendment protection as the print media. This is particularly imperative in light of recent technological changes in the industry. One area where First Amendment rights have been dealt a severe blow is the recent codification of the "cross-ownership" rule. This last minute appendage to the Continuing Resolution prevents owners of newspapers and broadcast stations from even seeking a waiver of the rule and thus violates their First Amendment rights. This change could force the closing of newspapers. I strongly support measures to repeal legislative cross-ownership restrictions that inhibit rather than enhance the free market of ideas.

Where the government does regulate economic activity, this Administration has sought to use market-oriented approaches. For example, in the case of airline landing rights, it is important that individuals be able to freely transfer rights to operate within the regulatory regime. Despite the progress we have made on deregulation, more needs to be done. The Office of Management and Budget therefore will continue to assure that agencies, as they develop proposed regulations, evaluate and make public their findings concerning the effect of proposed Federal regulations on private sector employment and commerce.

2. *Reducing Government Reporting Burdens.* Since 1982, my Executive Office has actively sought to reduce the burden of Federal reporting requirements on every individual and business. Each year we have made sizable reductions in paperwork burdens, totalling 560 million man-hours from Fiscal Year 1981 through Fiscal Year 1986. To improve our efforts, the Office of Management and Budget will issue regulations that will provide a more timely and complete description of proposed reporting burdens. Citizens will be encouraged to report back to OMB when, in their experience, the reporting requirement is unduly onerous. The Office of Management and Budget is systematically simplifying Federal procurement regulations and reducing the paperwork burden imposed upon those who want to compete for contracts with the Federal government.

Similarly, the Census Bureau has substantially improved the questionnaires to be used in the 1990 decennial census. These improvements will reduce the paperwork burden on all American households by using a significantly abbreviated "short" form and by making sure that no more households than absolutly necessary are asked to complete the "long" form. These changes will also improve the quality of the information collected.

3. *Strengthening America's Energy Security.* The economic well-being and future security of this Nation depend upon maintaining and building long-term energy security and strengthening the domestic energy industry. We have made considerable progress. While our economy has greatly expanded, we are using no more energy and less oil than we did 10 years ago, and our strategic oil stocks are five times higher. But more needs to be done.

In May 1987, I offered several proposals to enhance our Nation's energy security. The windfall profit tax has raised little or no revenue since the collapse of oil prices in 1985, yet it discourages long-term investment in new domestic oil production. Moreover, it causes oil producers to engage in purposeless record-keeping. It should be repealed.

Last May I signed legislation eliminating restrictions on natural gas use. The Congress should now act to decontrol the wellhead price of natural gas and provide for open access pipeline transportation. Both measures would lead to less demand for imported oil. I also urge action on the Administration's proposal to deregulate many oil pipelines.

This year the Congress will consider our recommendation concerning oil and gas activities on the coastal plain of the Arctic National Wildlife Refuge—the most outstanding onshore oil and gas frontier in this Nation. The Department of the Interior would manage exploration, development, and production of these poten-

tially vast resources while assuring that environmental safeguards are carefully maintained. The Congress should move expeditiously to enact legislation implementing our recommendation.

Development of our offshore energy resources continues to be vital to our economic and energy security. Last year we developed and implemented a 5-year Outer Continental Shelf [OCS] leasing program. Unparalleled in its responsiveness to State and local concerns, this program meets America's need for domestic energy supplies while it continues to provide protection for our important coastal resources.

Lastly, to ensure the future viability of nuclear power in the United States, the nuclear licensing process should be reformed and the Price-Anderson Act should be reauthorized. I urge responsible congressional action in these areas.

4. *Protecting the Environment Without Unnecessary Government Intrusion.* I have always believed that this Nation does not have to choose between a clean, safe environment and a productive economy. Of course, sometimes trade-offs exist and choices have to be made.

America's program for environmental protection is the most comprehensive in the world. And our environmental accomplishments are impressive. We have dramatically reduced air pollution in our cities and restored thousands of miles of waterways without hampering economic growth. We have cut levels of lead in urban air by nearly 90 percent and cleaned up more than 1,000 hazardous dumps and spill sites. And we have made impressive strides in the Superfund hazardous waste cleanup program. Work has been completed at almost 200 sites this year, including many that posed immediate threats to human health and the environment. This brings the total since this program began to over 1,000. In addition, work is underway at more than 700 national priority list sites.

We have recognized the global nature of some environmental challenges and played a leadership role in the world community to meet them. In December, I submitted to the Senate for advice and consent to ratification an international protocol to reduce chemical emissions that may be depleting the stratospheric ozone layer, and I urge early congressional action on this initiative. This protocol is the first time nations of the world have agreed to specific action in order to address a global environmental problem.

Consistent with the report of the National Acid Precipitation Assessment Program, I will again request congressional approval of a 5-year, $2.5 billion program for development of innovative clean coal technologies to reduce further acidic deposition (acid rain) emissions. The Secretary of Energy has begun implementation of the first 2 years' funding provided in the continuing resolution and, at my direction, has formed a panel to advise on innovative technology projects for funding. Additionally, I have reviewed and accepted significant new recommendations from my task force on regulatory relief that will introduce such new technologies into the marketplace more quickly and efficiently:

The Department of Energy will permit preferential treatment for innovative clean coal technology projects, recognizing the risk inherent in such demonstrations.

The Federal Energy Regulatory Commission will support a 5-year demonstration program on rate incentives for innovative technologies.

The Environmental Protection Agency will support and encourage a variety of means to include "bubbles" and interpollutant trading, to achieve emissions reductions.

5. *Strengthening Financial Markets.* With a view to empowering people to engage in productive activity for mutual gain, I am taking steps to reduce arbitrary second-guessing of markets by government regulators who can scarcely hope to administer financial services more efficiently or fairly.

I reassert my support for the procompetitive Financial Modernization Act of 1987, which would repeal Sections 20 and 32 of the Glass-Steagall Act prohibiting affiliations between commercial banks and securities firms. It would permit bank holding companies, with Federal Reserve Board approval, to own affiliates that underwrite or deal in securities. I welcome the bipartisan initiatives of the Senate and House Banking Committees in this area, and I encourage the Congress to consider additional reforms that keep financial services open and competitive and allow the development of innovative services to benefit individuals, businesses, and government. In today's global economy, America's financial institutions must be released from this outdated legal framework so that they will be able to remain on the leading edge in the world marketplace.

The market for corporate control is a vital component of our free enterprise economy. This Administration opposes legislation that would have the effect of making takeover activity more costly and difficult. Such efforts prevent the free flow of capital and make American firms less responsive to competitive forces, often at the expense of shareholders.

6. *Protecting Individual's Property Rights.* It was an axiom of our Founding Fathers and free Englishmen before them that the right to own and control property was the foundation of all other individual liberties. To protect these rights, the Administration has urged the courts to restore the constitutional right of a citizen to receive just compensation when government at any level takes private property through regulation or other means. Last spring, the Supreme Court adopted this view in *Nollan* v. *California Coastal Commission.* In a second case, the Court held that the Fifth Amendment requires government to compensate citizens for temporary losses that occur while they are challenging such a government regulatory "taking" in court.

In the wake of these decisions, this Administration is now implementing new procedures to ensure that Federal regulations do not violate the Fifth Amendment prohibition on taking private property; or if they do take a citizen's property for public use, to ensure that he receives constitutionally required just compensation.

7. *Trade and Competitiveness.* To enable individuals to enjoy the benefits of trade with other countries and to engage in productive activity without the burdens of retaliatory trade barriers, I will continue to encourage a free and fair trade policy. U.S. trade policy must reflect the fact that we live and work in a global economy and that our future prosperity lies in establishing stable, open relationships with our trading partners abroad and competitive, unrestrained markets at home. An effective trade policy, therefore, must pursue two interrelated goals: to extend, by example and by negotiation, the benefits of free trade to the world economy and to enhance, through deregulation and privatization, the free operation of the domestic economy. Only in such a competitive environment will American business reach its productive potential and American workers enjoy the just rewards for their labors.

Last February, I submitted to the Congress a program for making the United States more competitive, much of which was contained in the Trade, Employment, and Productivity Act of 1987. There were six elements to that program, each critical to ensuring America's future economic preeminence: increasing investment in human capital; promoting the development of science and technology; better protecting intellectual property rights; enacting essential legal and regulatory reforms; shaping the international economic environment; and continuing to eliminate the Federal budget deficit by reducing domestic spending. Taken as a whole, this program recognized that government must not interfere with the marketplace but should ensure that the underpinnings of American economic success, such as a well-educated work force and a technological edge, remain strong.

Unfortunately, the Congress has failed to recognize the broad nature of the competitiveness problem and in-

stead has placed too much emphasis on protectionist measures that may defer short-lived adjustment pains but harm the future health of the economy. Protectionism serves as a hidden tax on the American economy, crippling once prosperous industries, throwing Americans out of work, and raising costs for consumers. American business comes to rely more heavily on government and less on the marketplace, while Americans watch their standard of living slip away. Despite the soothing words of its advocates, protectionism represents the triumph of special interest over the general interest. This Administration remains committed to working with the Congress to draft responsible trade legislation, but if that legislation is not free of harmful protectionist measures, I will veto it.

The Department of Commerce is taking two important steps to boost U.S. exports. First, it will launch Export Now, an intensive new effort, supported by the private sector, to inform small, medium, and large businesses of the current opportunities to expand exports. This effort will encourage American business to take advantage of favorable exchange rates, of the market-opening actions of this Administration, and of the support our government agencies can give them in entering new overseas markets. Second, the Department will begin the Malcolm Baldrige Quality Awards program to help restore "Made in the U.S.A." as the symbol of the very best products throughout the world.

No sector of our economy would benefit more from international trade reforms than agriculture. One of my proposals to the General Agreement on Tariffs and Trade (GATT) for negotiations under the Uruguay Round is to eliminate worldwide all subsidies that distort agricultural trade and all agricultural import barriers. I propose that these subsidies and restrictions be phased out over 10 years. We are striving for an agreement on agriculture by the end of this year, in order to hasten access of U.S. farmers to export markets now closed to them. I also propose an international harmonization of health and sanitary measures affecting agricultural trade with the aim of eliminating foreign countries' use of them as disguised trade barriers.

The Nation benefits from the excellence of our scientists, engineers, and researchers. Because it is important that business have adequate incentives to fund research here in the United States, we are seeking enactment of a permanent tax credit for firms engaging in research and experimentation to replace the tax credit that expires at the end of this year. In addition, we are seeking legislation that would permit the allocation of at least 67 percent of a U.S. company's research expenses to its domestic income for purposes of the foreign tax credit.

During this Administration, we have also shifted the focus of Federal investment in R&D to basic research, allowing the private sector to transform this fundamental knowledge into technologies and processes necessary to develop products and services that meet the demands of the marketplace. Federal investment in basic research has grown in real terms by 40 percent since 1981. Last year, I issued an Executive order to facilitate citizens' access to such federally funded basic research. In addition, I am asking the Congress to fund incentives to spur American innovation. I am requesting that we now provide monetary awards to accompany our National Medals of Science and Technology. In addition, I am proposing a new Thomas A. Edison Prize that will challenge Americans from all walks of life to use technology to improve the quality of life in the United States and the world.

This Administration has also proposed construction of a Superconducting Super Collider, which is essential to continued U.S. leadership in high-energy physics and America's scientific and technological competitiveness. Presently, the Department of Energy is studying locations in seven States, and late this summer the Secretary of Energy will select the preferred site for the project. We hope that our allies will share the cost of construction and operation of this facility, as well as the benefits it will afford for new discoveries in basic physics.

The freedom to compete in the marketplace is essential to our concept of liberty. Our antitrust statutes were intended to protect this freedom. Sadly they have been transformed into weapons that competitors use against each other and tools for inappropriate government interference in the marketplace. Additionally, American firms find themselves at a competitive disadvantage with foreign competitors because of the burden and uncertainty fostered by some outdated aspects of our Nation's antitrust statutes. Therefore, I again urge the Congress to adopt my proposed antitrust reforms, particularly those that remove disincentives to pro-competitive mergers. In addition, I am asking the Congress to amend the National Cooperative Research Act to permit some types of joint production ventures. While retaining the protection of the antitrust statutes, this change will help U.S. manufacturing firms develop innovative ways to produce goods and services at competitive prices both here and overseas.

For example, the domestic automobile manufacturing industry has made major strides in improving its competitive position, producing higher quality and more fuel-efficient vehicles. Despite these gains in fuel efficiency, the industry remains restricted by current law, which requires automobile manufacturers to "balance" their line of automobiles to include cars and light trucks that meet corporate average miles-per-gallon fuel economy (CAFE) standards. These standards make it more difficult for U.S. firms to produce automobiles that consumers want to buy. This Administration has proposed the Motor Vehicle Information and Cost Savings Act of 1987 to eliminate this requirement for future model years. This legislation would remove a competitive disadvantage for American firms at a time when the purpose of the CAFE standard has been largely realized and would remove the incentive for domestic auto manufacturers to export U.S. jobs.

Another factor affecting U.S. competitiveness is our civil justice system. During the past 2 years, 47 of the 50 States have enacted tort reform legislation. We strongly supported many of these State initiatives, and we will work closely with the States to achieve further reforms whenever possible. In addition, the Administration is encouraged by the progress of the legislation to reduce the costly product liability insurance spiral and will work with the Congress towards the enactment of effective and meaningful reform of product liability law.

Key to promoting investment in ideas, innovation, and research is ensuring that those investments will be protected. Accordingly, I have proposed as part of my superconductivity legislation to raise legal protection for products resulting from patented processes and to prohibit foreign nations from using the Freedom of Information Act to acquire intellectual property developed by the U.S. Government. Additional measures planned include joining the Berne Convention, which provides international protection for intellectual property, demanding adequate protection of intellectual property rights when negotiating treaties, and pushing hard in the GATT Round for high standards for intellectual property protection worldwide.

8. *Free Trade with Canada.* On January 2 Prime Minister Mulroney and I signed a Free Trade Agreement that, when enacted, will mark the beginning of a remarkable new era. It eliminates all tariffs between the United States and Canada over the next 10 years, promotes free trade in energy, and greatly reduces restrictions on investments. The agreement goes beyond most trade agreements and covers services and investment. It is a "win-win" agreement for both the United States and Canada. Moreover, it sends a signal to the rest of the world: protectionism is not inevitable. Rather, with the political will and commitment, all nations can promote freer

trade to the benefit of each and every citizen. I will soon transmit a bill to implement this agreement and I urge prompt enactment to ensure that the agreement takes effect on January 1, 1989.

In November, the United States Trade Representative, on my behalf, signed a framework agreement with Mexico for discussions on trade and investment. This framework agreement is an important step forward in our bilateral trade relationship that will enable us to work together to address problems, reduce barriers and, thus, increase trade and investment between our two countries.

9. *Freeing the Individual to Work.* Few laws that a government may impose are more injurious to liberty than restrictions on the right to work, as outlined in my Economic Bill of Rights. Today, we are in the 6th year of an economic recovery that has created 14.5 million jobs. In order to continue and to build on that record of growth, we need policies that recognize the changing nature and changing needs of the work force.

These policies include enhanced training for dislocated workers, so that they are able to adjust to a world requiring new and different skills. Our proposed Worker Adjustment Program will address this need in a comprehensive way while increasing the role of States and localities in determining how these funds are best spent. In addition, we are preparing to give States and localities the flexibility to provide remedial training to disadvantaged youth. For thousands of low-skilled young people, this initiative holds the potential to provide a way out of poverty and into a job.

Indeed, the changes in our work force present other challenges as well. More people are working than ever before in our history. There is fuller work force participation across all sectors, and more women are working than ever before. While this helped power our tremendous growth, it has also created tension between demands of work and demands of child-rearing. We need to work with State and local governments and the private sector to identify and develop effective solutions, consistent with our efforts to strengthen the family, to foster practical, voluntary ways to ease this tension.

Several threats to our continued job growth can be found in a range of initiatives pending in the Congress, such as employer-provided health care and health insurance; parental leave; advance notification of plant closings; risk notification; an increase in the minimum wage; labor protective provisions; and a ban on employers using polygraphs to prevent theft. Many of these initiatives have been called "mandated benefits," but a more accurate description would be "mandated costs" or "mandated unemployment." Such mandated costs are particularly harmful to our Nation's small businesses, which are leading the way in job creation in our economic recovery. While many of the objectives sought by such legislation are laudable, they are not the proper subject for Federal mandates.

While well intentioned, the added employment costs would reduce job opportunities, lower wages generally, weaken economic growth, and hinder our competitiveness in world markets. In short, they are efforts to make individuals and companies pay for new government programs, mandated by the government but implemented by the private sector. Rather than forcing employers to provide such coverage, with possible serious adverse side effects for some workers, these decisions should be left to voluntary negotiation between employers and employees.

The adoption of "comparable worth" pay standards, another intrusive form of government intervention into the labor market, has also been proposed. The objective is not to provide equal pay for equal work, a concept I fully support and which I enforce as the law of the land. Rather, "comparable worth" proposals seek to determine the worth of completely different jobs and then empower government panels to assign "fair" and "comparable" wages. Proposals that would establish panels of "experts" to determine how much workers can earn would create the kind of planned economy that has stifled economic growth in other parts of the world. Such wage fixing completely ignores the fact that in a free enterprise economy market forces should determine wages.

We should seek to eliminate existing barriers to employment. For example, when I took office I inherited a rule that, for over 40 years, prohibited individuals from working in their homes to produce knitted garments such as sweaters, caps, and scarves. In 1984, we dropped that rule and permitted employers to hire home workers after obtaining a certificate from the Department of Labor authorizing such employment, thus ensuring that the home workers receive the protection of the Fair Labor Standards Act. The restrictions still apply to six other categories of products, and the Department of Labor will be working to extend the certification procedures for five of the six remaining home work industries.

Another proposal in the Congress would raise the minimum wage, thereby creating additional barriers to employment. Today most people who work at the minimum wage are teenagers and others with limited experience who need these jobs to begin their climb up the economic ladder. Few are heads of households. Higher minimum wages will surely force young and inexperienced workers into unemployment. We should permit a special minimum wage differential for teenagers that would increase employment, on-the-job-training, and future wage growth for the least-skilled workers. Reform of other Federal wage statutes, such as Davis-Bacon, is also needed.

We should avoid so-called anti-"double breasting" laws that would bar firms with union labor from having independent affiliates without union contracts. Anti-double breasting laws reduce job opportunities by raising labor costs and should be left to negotiation between employer and employee.

D. *Empowering Individuals by Opening Up New Areas for Human Endeavor*

One enduring legacy of American frontier society has been a love of bold challenges and wide open vistas. Some 30 years ago we crossed a "new frontier" with a shot into space. Today we continue to face new opportunities and new challenges in opening a limitless universe beyond our tiny globe to exploration and commercial enterprise. But here on Earth as well, whole new sectors of discovery and productivity lie waiting for development through individual creativity and initiative.

1. *Privatization of Government Activities.* Over time, government has accumulated numerous commercial operations, many of which could be performed more efficiently by the private sector. Where such opportunities exist to provide better services at lower cost, we will seek to transfer such services and operations to the most efficient enterprises. This does not imply the abrogation of government responsibility for these services. Rather, it merely recognizes that what matters the most is the cost and quality of the service provided, not who provides it. In addition, there is an important moral consideration—individual liberty would be enhanced and the debilitating effect of public sector growth on human freedom would be reduced.

Even now, government relies extensively on the private sector to provide basic government services in many key programs: the G.I. Bill, Medicare, Medicaid, student loans, food stamps, and many other programs. Further, the government benefits from private sector assistance in disbursing funds electronically, assessing credit worthiness of loan applicants, servicing and collecting payments due the government, and relying on finance accounting systems from the private sector to bring about an extensive upgrading of Executive branch financial management throughout the government. Thus privatization can make government operations more efficient and at

the same time provide more convenient service to our citizens.

The Administration sold over $5 billion in government loans to private investors last year, with plans to sell an additional $4 billion in government loans this year. Additionally, we sold the government-owned freight railroad, CONRAIL, to private investors at a price tag of almost $2 billion.

As part of my Economic Bill of Rights, I established the President's Commission on Privatization to accelerate our program of placing greater reliance on the private sector. In its interim report covering government housing programs the Commission recommended expanded use of housing vouchers, tenant management of public housing projects, and sales of public housing units to tenants. The Congress has already enacted a major housing bill that endorses housing vouchers and facilitates the Administration's efforts to encourage tenant management and public housing ownership. Similarly, the Commission has endorsed the sale of government loan assets. The Commission's final report is expected in March and will cover many more opportunities, including prison construction, military commissaries, AMTRAK, Naval Petroleum Reserves, and urban mass transportation. After a careful review of these proposals, legislation will be developed to implement the most promising proposals.

To pursue administrative measures within the Executive branch and implement the findings of the Commission on Privatization, I have created an Office of Privatization within the Executive Office of the President. I have given it the responsibility to investigate and propose privatization opportunities that can be included in my recommendations for the Fiscal Year 1989 Budget.

I will recommend that a comprehensive study be conducted to measure the likely benefits that would occur if we permit the private sector to perform some functions now performed by the United States Postal Service and other government entities.

I will also recommend a series of pilot projects to determine if privatization is the best way to go in other government programs, including operation of minimum security Federal prisons, Federal prison industries, regulatory audits by the U.S. Customs Service, management of Federal multiple-use lands by public and private groups, and waste water treatment facilities funded by Federal grants.

I am further recommending the direct privatization of all or some of several existing government programs where the benefits of privatization are believed to be significant or where studies have already been completed. Included in this category are the Naval Petroleum Reserves, AMTRAK, Federal Crop Insurance, arbitration of tax disputes, government employee housing, the Railroad Retirement Board, the National Finance Center, the National Technical Information Service, the Alaska Power Administration, and the collection of overdue loans to the Federal government. I will also ask for substantially expanded authority to allow individuals to use their private sector credit cards to pay money owed to the government.

In addition, I have recently promulgated an Executive order to foster greater contracting out of services currently provided by the government to private providers, many in America's vital small business community. Study after study, many conducted by the General Accounting Office, demonstrate that savings of between 30 to 40 percent can be achieved by contracting out government work to private business. If all agencies took advantage of contracting-out opportunities, the total savings would amount to $7 billion per year.

2. *New Opportunities in Space.* Nearly 2 decades ago, with courage and bold technological innovation, America pushed back the frontier of space by landing a man on the moon and safely bringing him back. This breakthrough created untold opportunities for scientific discovery and commerce and advanced mankind's age-old dream of exploring space beyond its planetary home.

If America is to continue its leadership in space, we must now forge ahead, exploring space's vast frontier and expanding our free enterprise system to Earth's orbits and beyond. And we must build our long-term space future on a sound foundation that will ensure reliable and economical access to and use of outer space.

I recently adopted an enhanced comprehensive national space policy. This policy reaffirms America's commitment to space leadership as a fundamental national objective and recognizes the importance of both private sector and governmental space activities in achieving critical national goals. And while acknowledging the importance of returning the Space Shuttle to safe, reliable operations, it also stresses that access to space, so vital to America's security and prosperity, must never be limited to any single system.

As a matter of special note, my policy also specifically recognizes the importance of extending the reach of American private commerce to space and establishes goals to guide both civil and national security space efforts in achieving cost-effective, resilient, and reliable means of access to space.

And I am no less deeply committed to the long-range goal of expanding human presence and activity beyond Earth orbit and into the solar system, and I invite the Congress to join with me in endorsing and supporting this new long-term goal.

As the first step, I have directed the National Aeronautics and Space Administration to begin a systematic development of space technologies called Project Pathfinder, which will aid us in deciding where this new adventure should take us, and when. The funding proposed for Fiscal Year 1989 is $100 million.

Second, I am asking the Congress to maintain our strong national commitment to a permanently manned space station. The Fiscal Year 1989 Budget request includes $1.0 billion to achieve this goal, along with a request for a 3-year appropriations commitment from the Congress totalling $6.1 billion.

Third, I will soon announce a major Commercial Space Initiative that includes administrative and legislative action to nurture entrepreneurship in space. By taking advantage of the private sector's innovative excellence, we can maintain and extend America's leadership in space.

My initiative will have three goals: (1) promoting a strong commercial presence in space—we need the private sector to begin to lay the infrastructure necessary for research and manufacturing in space; (2) assuring a highway to space by building on my previous efforts to promote a strong private expendable launch vehicle industry; and (3) building a solid technology and talent base. The engineers and scientists who will be working in space are in school now. We must give them the tools and the enthusiasm to do the job well.

E. *Empowering the People to Participate in the Political Process*

Political enfranchisement in America has evolved in the direction of a more participatory republic. Today any legislation in this area should open up more participation in the political process.

1. *Removing Government Interference with the Political Process.* The right to free speech and the right to participate in the democratic process are two of our most fundamental freedoms. In *Buckley* v. *Valeo,* the Supreme Court held that limits on how individuals spend their own resources in the political process can violate the First Amendment. This is a sound principle. We should make sure "campaign reform" will not have the effect of reducing popular participation in the political process or impairing constitutional rights. Today, there are proposals to restrict certain parts of our electoral process. A more beneficial reform would be the requirement of full disclosure of all campaign contributions, including in-kind contributions, and expenditures on behalf of any electoral activities, including

those in the context of membership communication.

2. *Protecting Civil Servants from Political Pressure.* The Hatch Act was passed in 1939 in response to scandals involving the administration of funds in New Deal programs. It prohibits Federal civil servants from taking part in certain partisan political activities, such as campaigning for public office, participating in party management, or raising political funds. The Clay Amendments in the Congress would severely erode these prohibitions. Although advanced in lofty terms—"the right of government workers to participate more fully in the political process"— their effect would be to politicize the civil service and reduce public faith in government. Federal workers already enjoy their democratic right to vote and to express their political views in a wide variety of other ways.

We do not want to risk a situation in which Federal employees come to believe that their advancement depends on espousing particular views, perhaps the political views of their superiors. Neither should electoral campaigning be allowed to mar cooperation between the political appointees of the President and the civil service establishment, a cooperation crucial to good government. As I have said in the past, the Hatch Act should not be changed or repealed.

3. *Improving the Civil Service.* The past 7 years have witnessed an increasing commitment by the Nation's Federal civil service to qualify in their work and pride in their performance. The abilities of this work force, from the most recently hired clerical worker to the most senior member of the managerial corps, are ready not only to continue the effort to serve the American people, but to take that service to new levels of excellence.

At present, however, the Federal civil service is over-regulated by a system that discourages employee initiative and hamstrings government managers with thousands of pages of restrictive rules and regulations. With the major reforms encompassed in my proposed Civil Service Simplification Act, we can provide substantial incentives for top performance, introducing into our Federal government the classic productive values of the American workplace: entrepreneurial freedom and reward for hard work.

VI. TO SECURE THE BLESSINGS OF LIBERTY

It was the need to secure inalienable, God-given rights from oppression that moved our forefathers to institute a new government in America. Among these individual rights, Jefferson wrote, were "Life, Liberty and the pursuit of Happiness." But, as the Founders of our Republic made clear in drafting a new Constitution 11 years later, their intention was not only to secure liberty but the blessings of liberty as well. To attain these blessings would mean cultivating the values that sustain a free people. George Washington advised our Nation in his Farewell Address,

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity."

Following our first President's good counsel, I am leading my Administration in efforts to shore up the moral foundations of our individual freedom:

A. *Protection of the Unborn*

None are more powerless than the unborn. Since the legalization of abortion-on-demand in 1973, there have been an estimated 21 million abortions in this country. I am committed to reducing the number of abortions in this country and reaffirming life's sacred position in our Nation.

The Congress should pass expeditiously my Human Life Bill. The first section of the bill contains a finding that abortion takes the life of a human being that *Roe* v. *Wade* was wrong not to recognize the humanity of the unborn child. The second section would enact, on a permanent and government-wide basis, the Hyde Amendment restriction prohibiting Federal dollars from going for abortion unless a mother's life is endangered. In addition, the Congress should pass the Human Life Amendment.

At my direction, the Department of Health and Human Services is about to issue regulations prohibiting the use of Title X funds (approximately $140 million) for any program that performs abortion, counsels for abortion, or promotes abortion through lawsuits, lobbying, or other such activities. The regulations also require that Title X programs separate themselves from programs that engage in abortion activities. It is clear from the legislative record surrounding the passage of Title X that its purpose, far from promoting abortion, was one of offering an alternative to abortion and indeed reducing the number of abortions. For some time the program as enforced was standing its essential purpose on its head, effectively promoting abortion instead of reducing the incidence of abortion as intended by the Congress.

Another loophole often used to circumvent prohibitions on using Federal funds for abortions is the use of psychiatric recommendations. Currently the law allows for Federal funding only when an abortion is necessary to save the life of the mother. This law reflects the consensus that abortion may be considered when there is a physical threat to the mother. I am directing the Secretary of Health and Human Services to issue regulations that reflect this consensus and make it clear that only when there is physical danger to the life of the mother can Federal funds be used for abortion.

In August 1987 I formed an Interagency Task Force on Adoption that delivered its final report to me on November 13. I will act to implement the Task Force recommendations and propose legislation where necessary. Each year over 140,000 children are adopted, yet thousands of childless families still wait for children to adopt. There are 36,000 children awaiting adoption, of which about 60 percent are "special needs" children. Many have physical or emotional handicaps, belong to sibling groups, or are older children; they are generally more difficult to place.

This Administration will also work with the States to encourage model legislation that promotes adoption. California's Pregnancy Freedom of Choice Act, for instance, allows the State to reimburse licensed nonprofit maternity homes for the costs of maternity care and other pregnancy services. Michigan contracts out special needs adoption to private agencies, reimbursing them for the full cost of adoption services up to $10,000. These are exemplary efforts to provide families for children in need of parental love and care.

B. *Religious Liberties*

The First Amendment protects the right of Americans to freely exercise their religious beliefs in an atmosphere of toleration and accommodation. As I have noted in the past, certain court decisions have in my view interpreted the First Amendment so as to restrict, rather than protect, individual rights of conscience. I have repeatedly affirmed my belief that school prayer on a voluntary basis is permissible, indeed desirable, in the public school. In my State of the Union addresses in 1986 and 1987, I expressed my support for a constitutional amendment that would make it clear that the Constitution does not prohibit voluntary prayer in public schools.

One disturbing development in this area of the law has been the exclusion of religiously affiliated organizations from federally funded programs. A recent lower court decision held unconstitutional my Adolescent Family Life Program because the program included religious organizations among those carrying out its implementation. That decision, if upheld, would effectively require the government to discriminate against religious charitable organizations, even when their participation in a program only serves to further its legitimate secular purpose. The Department of Justice is appealing this ruling that I believe to be in-

consistent with the First Amendment. Our forefathers came to this land in large part to secure the rights to freedom of religion and individual conscience that they would later establish as bedrock provisions of our Constitution. We must avoid such perversion of the First Amendment. Rather, as we prepare for the 21st century, we must continue to foster the free exercise of religion that our forefathers understood would provide the moral foundations for American society.

CONCLUSION

These then are the legislative and administrative policies that the Administration will pursue in furtherance of the six purposes for which the American people first ordained and established our Constitution. They have been carefully chosen. For obviously not every policy that a President or a Congress may put forward is compatible with our Constitution, even though that policy might be popular. In order to secure the liberty of individuals and political minorities, the Constitution places a number of carefully considered restrictions on the Federal Government. The Congress does not, for example, possess a general legislative power, nor the President the power of decree. The Framers proscribed both as inconsistent with limited, constitutional government. Thanks in large measure to their wisdom, America has enjoyed the blessings of liberty for 2 centuries. It is my belief that the policies presented in this message will contribute to the continuing restoration of the Federal Government to a sound constitutional footing and thus preserve these same blessings for our posterity in the 21st century.

RONALD REAGAN.

THE WHITE HOUSE, *January 25, 1988.*

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR 1987—MESSAGE FROM THE PRESIDENT—PM 99

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

In accordance with the requirements of Section 809 of the Housing and Community Development Act of 1974 (12 U.S.C. 1701j-2(i)), I herewith transmit the eleventh annual Report of the National Institute of Building Sciences for 1987.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ANNUAL REPORT OF THE TOURISM POLICY COUNCIL—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 302 of the International Travel Act of 1961, as amended (22 U.S.C. 2124a), I transmit herewith the sixth annual report of the Tourism Policy Council, which covers fiscal year 1987.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

REPORT TO CONGRESS ON UNITED STATES GOVERNMENT ACTIVITIES RELATED TO THE GREENHOUSE EFFECT—MESSAGE FROM THE PRESIDENT—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 9 of Public Law 99-383 (100 Stat. 816), I transmit herewith a report on current government activities in the area of research on the so-called "greenhouseEffect."

While you will note that extensive investigations of the phenomenon are in progress, we do not plan to establish an International Year of the Greenhouse Effect as suggested in the language of Public Law 99-383.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ANNUAL REPORT OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM 102

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

In accordance with Section 308 of Public Law 97-449 (49 U.S.C. 308), I hereby transmit the 17th Annual Report of the Department of Transportation, which covers fiscal year 1983.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the sixth annual report on Alaska's mineral resources.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following bills:

On December 18, 1987:

S. 649. An act to amend the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327).

On December 24, 1987:

S. 1642. An act to designate the United States Post Office at 600 Franklin Avenue in Garden City, New York, as the "John W. Wydler United States Post Office".

On December 31, 1987:

S. 1684. An act to settle Seminole Indian land claims within the State of Florida, and for other purposes.

On January 11, 1988:

S. 1389. An act to amend the National Fish and Wildlife Foundation Establishment Act with respect to management requisition, and disposition of real property, reauthorization, and participation of foreign governments.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on January 25, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bill was subsequently signed on January 25, 1988, during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 26, 1988, he had presented to the President of the United States the following enrolled bill:

S. 825. An act to amend and extend certain laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar pursuant to the provisions of rule XIV:

S. 2001. A bill to restore the right of voluntary prayer in public schools and to promote the separation of powers.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 356: An original resolution authorizing expenditures by the Committee on Foreign Relations; referred to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SARBANES:

S. 2004. A bill to provide that the provisions of the National Labor Relations Act and the Labor-Management Relations Act, 1947, shall apply to employees at the Metropolitan Washington airports, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRESSLER:

S. 2005. A bill to amend the Higher Education Act of 1965 to permit guaranteed student loans to students from families with incomes equal to or less than $30,000 without the use of a need analysis, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL (by request):

S. 2006. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

By Mr. DOLE:

S. 2007. A bill to amend the Atomic Energy Act of 1954 to provide for a neutral review by the National Academy of Sciences of emergency evacuation plans necessary for approval of low power and operating licenses for nuclear facilities; to the Committee on Environment and Public Works.

S. 2008. A bill to amend the Atomic Energy Act of 1954 to require consideration of an emergency evacuation plan for a nuclear facility before a construction permit is issued for such facility; to the Committee on Environment and Public Works.

S. 2009. A bill to establish a national advisory council on children's issues, to provide a Federal-State child care grant program, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. DOLE, Mr. DODD, Mr. COHEN, Mr. CRANSTON, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WIRTH, Mr. BREAUX, Mr. PELL, Mr. MITCHELL, Mr. SIMON, Mr. DASCHLE, Mr. CHAFEE, Mr. ADAMS, Mr. RIEGLE, Mr. MATSUNAGA, Mr. D'AMATO, Mr. HOLLINGS, Mrs. KASSEBAUM, Mr. METZENBAUM, Ms. MIKULSKI, Mr. HARKIN, Mr. WEICKER, Mr. SPECTER, Mr. HEINZ, Mr. BOREN, Mr. SANFORD, Mr. STAFFORD, Mr. REID, Mr. DECONCINI, Mr. CONRAD, Mr. PRYOR, Mr. BINGAMAN, and Mr. FOWLER):

S. 2010. A bill to establish a National Voluntary Reunion Registry Demonstration Program; to the Committee on Labor and Human Resources.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. SPECTER, Mr. MELCHER, Mr. BURDICK, and Mr. HECHT):

S. 2011. A bill to increase the rate of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 2012. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL, from the Committee on Foreign Relations:

S. Res. 356. An original resolution authorizing expenditures by the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. ADAMS (for himself and Mr. STAFFORD):

S. Con. Res. 97. A concurrent resolution to commend the President, the Secretary of State, and the Administrator of the Agency for International Development on relief efforts that have been undertaken by the United States Government for the people in Ethiopia and other affected nations of sub-Saharan Africa, and encourage these officials to continue to extend all efforts deemed appropriate to preclude the onset of famine in these nations, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRESSLER:

S. 2005. A bill to amend the Higher Education Act of 1965 to permit guaranteed student loans to students from families with incomes equal to or less than $30,000 without the use of a need analysis, and for other purposes; to the Committee on Labor and Human Resources.

STUDENT LOAN AMENDMENTS

● Mr. PRESSLER. Mr. President, I feel strongly that no student of ability should be denied the opportunity for a higher education solely because of financial need. That is why I rise today to introduce legislation to help students from lower and middle income families become eligible for guaranteed student loans [GSL's].

Specifically, the legislation would allow students from families with adjusted gross incomes of $30,000 or less to be exempt from further demonstration of financial need as a prerequisite to being granted guaranteed student loans. Parents and students would be required only to submit copies of their most recent tax returns to determine the amount of their adjusted gross income.

Financial need now is determined by the estimated cost of attendance minus the expected family contribution as established by part F—the need analysis requirement in the Higher Education Amendments of 1986. Under my proposal, lower and middle income students would not be required to demonstrate financial need to be eligible for a GSL. However, all GSL applicants, regardless of family income, would be required to fulfill the eligibility requirements of section 484, Public Law 99-498. This would require that GSL applicants:

Be enrolled at an institution of higher education;

Be making satisfactory progress in school—under unusual circumstances, such as the death of a relative, this provision may be waived;

Not owe a refund on a Federal grant;

Not be in default on a student loan; and

Be a U.S. citizen or an eligible noncitizen.

Additionally, my legislation directs the Secretary of Education to conduct a study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education. My bill is entitled, "Student Loan Amendments of 1988."

The Higher Education Amendments of 1986 Act was a compromise. It cut Federal spending, but also was intended to provide adequate financial assistance to truly needy students. Unfortunately, some students are experiencing unforeseen problems as a result of that compromise. Student financial aid eligibility requirements have been tightened. Many loan awards have been reduced. Students who in previous years has received the maximum guaranteed student loan suddenly can obtain nothing. This is not fair.

Students received no warning that they would be forced to find means other than guaranteed student loans to finance their education. It would be in their best interest for Congress to

legislate a return to the pre-1986 law. Current law makes it very difficult for students to qualify for guaranteed student loans. Students who in prior years received the maximum loan award of $2,500 are now granted only $300 to $400 loans. Everyone is aware of the soaring cost of higher education, and it is clear that $400 makes a small dent in college student expenses.

The Higher Education Amendments of 1986 enacted many changes in the student financial aid law. The maximum loan award for first and second year students was increased to $2,625. For third, fourth, and fifth year students the maximum was increased to $4,000. Graduate students are able to borrow up to $7,500. The American College Testing Program conducted a study projecting the impact of the Higher Education Amendments of 1986 Act on students applying for financial aid. For the 1986-87 school year, 94 percent of the applicants for GSL's were eligible for a loan. Of those, 89 percent were eligible to receive the maximum loan award. Predictions for the current 1987-88 academic year suggest that only 81 percent of the applicants will be eligible for student financial aid. Additionally, of those eligible for financial aid, only 41 percent will be able to receive the maximum GSL award. The average loan award for all undergraduate and graduate students is predicted to be $2,693. This might seem to be a fair distribution. However, the fact is that 59 percent of the students eligible for student financial aid are receiving very small amounts, with the remainder receiving maximum loans. So the average loan figure is somewhat misleading.

Unfortunately, official statistics for this academic year are not yet available. Loan awards were processed just recently. There has not been enough time to accumulate the statistical evidence necessary to provide that students who in years past had received guaranteed student loans are receiving smaller loans, or none at all. However, after talking with students from my State and receiving hundreds of letters and phone calls from distraught students and parents, I know there is a problem. I am sure South Dakota is not alone in this problem. Students in every State have been affected adversely by the current law. For example, Phil Shreves, financial aid director for the University of Nebraska-Omaha, has estimated that 35 percent of the students at UNO who received GSL's last year will not receive a GSL for the academic year 1987-88. Additionally, over two-thirds of the GSL applicants will be affected by the current GSL eligibility law. For the 1987 fall semester, Tennessee State-Nashville had a drop of about 10 to 15 percent in the number of students who were eligible for GSL's, according to Homer Wheaton, student financial aid director. Mike Novak, the student financial aid director for the University of Texas-Austin, conducted an analysis at his institution of the potential impact of the stricter GSL eligibility requirements. He predicted that about 30 percent of the undergraduate students who received GSL's last year would receive a smaller GSL or would not even be eligible for a loan.

To prove or disprove the need to return to the law prior to 1986 regarding student financial aid, more data are needed. My legislation directs the Secretary of Education, through the Office of Education Research and Improvement or the Center for Education Statistics, to conduct a rapid study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education. Time is of the essence. Students need assistance now. The legislation requires that the results of this study be presented within 6 months of enactment.

While the cost of postsecondary education is rising dramatically, many students are being granted smaller loans. We must address the needs of students who currently are in school, and those who will be attending in the next few years. To cut them off with no warning is extremely unfair. It takes years of financial planning to prepare parents and students for the financial burden of financing an education without guaranteed student loans. I think it would be in the best interest of our country to slowly phase out the program and eventually provide loans for only the truly needy students. However, young men and women in school now must have assistance. This is something they have counted on, and it should not be taken away without adequate warning. Financial aid should be phased out slowly in order to permit students and parents to plan rationally for future educational expenses.

Mr. President, the need for my legislation is clear. No student of ability who wishes to pursue an education should be denied that opportunity. The future of our students and the future of our country are at stake. The escalating cost of a college education requires the government to play a responsive role in allowing individuals to continue their education. If many students are denied the means to pursue a higher education, the security of our Nation could be jeopardized. We need their mental resources and technical skills to compete in this increasingly competitive and technologically sophisticated world.

There are enormous pressures to reduce Federal spending, and I agree that cuts must be made. However, we cannot afford to impose excessive cuts in Federal funding of education. For fiscal year 1980, education programs received 2.5 percent of the total annual Federal outlays. It is estimated for fiscal year 1987 that education programs will receive only 1.9 percent of Federal outlays. This decline in Federal funding for education programs cannot continue. Education is one of the wisest possible investments we can make.

Mr. President, I urge our colleagues to join in support of this important legislation. My bill simply proposes that no student whose parents' adjusted gross income is less than $30,000 will be required to further demonstrate financial need as a prerequisite to being awarded a guaranteed student loan. Additionally, it requires the Secretary of Education to conduct a study to determine the impact of the Higher Education Amendments of 1986 on students and their ability to continue their education.

Looking to the future, it is clear that the Government cannot continue to bear the entire burden of funding higher education. That is why I am a cosponsor of S. 1659, S. 1660, S. 1661, and S. 1662 introduced by Senator DOLE. These bills provide tax incentives to parents who start educational savings accounts for their children. S. 1659 is designed after the Individual Retirement Account Program. Contributions would be tax deductible and earnings on such accounts would be tax deferred. S. 1660, S. 1661, and S. 1662 offer other tax incentives to encourage parents to save for their childrens' education. These measures need further fine tuning through the usual legislative process, but they provide a sound basis from which to begin. It is essential that parents save for future educational expenses, and these bills will give them additional incentives to do so.

Let us not overlook the immediate crisis as we develop these better incentives for educational savings. Until an educational savings accounts program actually is implemented, the Federal Government must continue to share in the responsibility of making financial aid available to students. So, again, I urge our colleagues to support my proposal.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Student Loan Amendments of 1988".

ELIGIBILITY FOR GUARANTEED STUDENT LOANS

SEC. 2. Section 428(a)(2)(B) of the Higher Education Act of 1965 is amended to read as follows:

"(B) For the purpose of clause (ii) of subparagraph (A), a student shall qualify for a portion of an interest payment under paragraph (1) if the adjusted gross income of such student's family—

"(i) is less than or equal to $30,000; or

(ii) is greater than $30,000 and the eligible institution has provided the lender with a statement evidencing a determination of need for a loan (as determined under part F of this title) and the amount of such need, subject to the provisions of subparagraph (D).".

NEED ANALYSIS RULE

SEC. 3. The Secretary shall, in carrying out the provisions of the amendment made by section 2 of this Act, apply the provisions of part F of title IV of the Higher Education Act of 1965 on the need analysis as necessary to carry out that amendment.

STUDY ON IMPACT OF 1986 AMENDMENTS ON THE GUARANTEED STUDENT LOAN PROGRAM

SEC. 4. (a) The Secretary of Education, through the Office of Education Research and Improvement or the Center for Education Statistics, shall conduct a study to determine the impact of the amendments made by the Higher Education Amendments of 1986 on students applying for guaranteed student loans under part B of title IV of the Higher Education Act of 1965 and the effects on the enrollments of students in institutions of higher education.

(b) The Secretary shall prepare and submit a report of the study required by subsection (a) not later than 6 months after the date of enactment of this Act containing the findings of the study, together with such recommendations as the Secretary deems appropriate.

EFFECTIVE DATE

SEC. 5. Section 3 of this Act and the amendments made by section 2 of this Act shall take effect with respect to loans made on or after 30 days after the date of enactment of this Act.●

By Mr. PELL (by request):

S. 2006. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Relations.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961 to authorize the extension of the Overseas Private Investment Corporation's investment insurance and guaranty programs and to make certain changes in existing programs and policies.

This proposed legislation has been requested by the Overseas Private Investment Corporation and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the President of the Overseas Private Investment Corporation to the President of the Senate dated November 25, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Private Investment Corporation Amendments Act of 1988".

SEC. 2. REFERENCE TO THE ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Assistance Act of 1961.

SEC. 3. UPDATING INCOME LEVELS IN LESS DEVELOPED COUNTRIES.

Section 231 (22 U.S.C. 2191) is amended in paragraph (2) of the second undesignated paragraph by striking out "$896 or less in 1983 United States dollars" and inserting "$962 or less in 1985 United States dollars"; and by striking out "$3,887 or more in 1983 United States dollars" and inserting "$4,171 or more in 1985 United States dollars".

SEC. 4. PROMOTING INVESTMENT POLICY REFORM.

Section 231 (22 U.S.C. 2191) is amended by redesignating subsections 231(g) through (n) as subsections 231(h) through (o), and by inserting a new subsection 231(g) which shall read as follows:

"(g) to be guided by the extent to which the investment policies of the country in which the project is undertaken are consistent with U.S. investment policies;"

SEC. 5. MAINTAINING ECONOMIC STABILITY OF HOST COUNTRIES.

Section 234 (22 U.S.C. 2194) is amended in subsection (a) by inserting after subparagraph (a)(4) the following new subparagraph (a)(5):

"(5) Recognizing that changed political conditions in a developing country may cause investors to disinvest and that such disinvestment may contribute to disruption of the host country's economy, loss of developmental benefits to its citizens and loss of trade benefits to the United States, the Corporation may, to the extent consistent with prudent underwriting, offer insurance against the risk set forth in sections 234(a)(1) (A)-(D) for existing investments, including those otherwise ineligible under section 237(e): *Provided, however,* That insurance for existing investment may be offered only when The Board determines, upon the recommendation of the Secretary of State, that insuring such investment, under guidelines to be issued by the Board, would further the interests of the United States in maintaining the economic stability of the host country.

SEC. 6. FINANCING DEVELOPMENTAL TECHNOLOGY AND PRODUCTS.

Section 234 (22 U.S.C. 2194) is amended in subsection (c) by inserting before the final paragraph the following new paragraph:

"A part of any loan under this subsection may be designated for use by the project sponsor in the development or adaptation in the United States of new technologies or new products or services that are likely to contribute to the economic or social development of less developed countries."

SEC. 7. PILOT PROGRAM OF EQUITY FINANCING IN AFRICA AND CARIBBEAN BASIN.

Section 234 (22 U.S.C. 2194) is amended by deleting the second and third sentences of subsection (c) and the first sentence of the last paragraph of subsection (f), and by adding a new subsection (g), which shall read as follows:

"(g) PILOT EQUITY FINANCE PROGRAM.—

(1) AUTHORITY FOR PILOT PROGRAM.—In order to study the feasibility and desirability of a program of equity financing, the Corporation is authorized to establish a five-year pilot program under which it may, on the limited basis prescribed in subparagraphs (2) through (5), purchase, invest in or otherwise acquire equity or quasi-equity securities of any firm or entity upon such terms and conditions as the Corporation may determine for the purpose of providing capital for any project which is consistent with the provisions of this title: *Provided, however,* That the aggregate amount of the Corporation's equity investment with respect to any project shall not exceed 30 percent of the aggregate amount of all equity investment made or subscribed for with respect to such project at the time that the Corporation's equity investment is made, except for securities acquired through the enforcement of any lien, pledge or contractual arrangement as a result of a default by any party under any agreement relating to the terms of the Corporation's investment: *Provided further,* That the Corporation's equity investment under this subsection with respect to any project, when added to any other investments made or guaranteed by the Corporation under subsection (b) or (c) of this Section 234 with respect to such project, shall not cause the aggregate amount of all such investment to exceed, at the time any such investment is made or guaranteed by the Corporation, 75 percent of the total investment committed to such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to make or guarantee any such investment.

(2) LIMITATION TO PROJECTS IN SUB-SAHARAN AFRICA AND CARIBBEAN BASIN.—Equity investments may be made under this subsection only in projects in eligible countries in sub-Saharan Africa and the Caribbean Basin.

(3) ADDITIONAL CRITERIA.—In making investment decisions pursuant to this subsection the Corporation shall give preferential consideration to projects sponsored by or significantly involving United States small business or cooperatives, and shall consider the extent to which the Corporation's equity investment will assist a project's sponsor in arranging the full capital investment required for the project.

(4) DISPOSITION OF EQUITY INTEREST.—Taking into consideration, among other things, the Corporation's financial interests and the desirability of fostering the development of local capital markets in less developed countries, the Corporation shall endeavor to dispose of any equity interest it may acquire hereunder within a period of 10 years from the date of acquisition of such interest.

(5) CREATION OF FUND FROM CORPORATE REVENUES.—The Corporation is hereby authorized to establish a fund to be available solely for the purposes specified in this subsection and to make a one-time transfer to the fund of $10 million from its income and revenues.

(6) CONSULTATIONS WITH CONGRESS.—The Corporation shall consult annually with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate on the implementation of the pilot equity finance program established under this subsection.

SEC. 8. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.

Section 234A (22 U.S.C. 2194A) is deleted and replaced in its entirety by a new section 234A, which shall read as follows:

"SEC. 234A. ENHANCING PRIVATE POLITICAL RISK INSURANCE INDUSTRY.—(a) COOPERATIVE PROGRAMS.— In order to encourage greater availability of political risk insurance for eligible investors by enhancing the private political risk insurance industry in the United States, the Corporation shall undertake programs of cooperation with such industry, and in connection with such programs may, to the extent consistent with sections 231 and 234, engage in the following activities—

(1) utilizing its statutory authorities, encourage the development of associations, pools or consortia of United States private political risk insurers;

(2) share insurance risks in a manner that is conducive to the growth and development of the private political risk insurance industry in the United States; and

(3) notwithstanding section 237(e), enter into risk-sharing agreements with United States private political risk insurers to accord protection for investments previously insured by OPIC: *Provided, however,* That in cooperating in the offering of insurance under this subparagraph (3), the Corporation shall not assume net responsibility for more than 50 percent of the insurance being offered in each separate transaction.

(b) ADVISORY GROUP.—

(1) ESTABLISHMENT AND MEMBERSHIP.—The Corporation shall establish a group to advise the Corporation on the development and implementation of the cooperative programs under this section. The group shall be appointed by the Board and shall be composed of up to twelve members, including the following:

(A) Up to seven persons from the private political risk insurance industry, of whom no fewer than two shall represent private political risk insurers, one shall represent private political risk reinsurers, and one shall represent insurance or reinsurance brokerage firms.

(B) Up to four persons, other than persons described in subparagraph (A), who are purchasers of political risk insurance.

(2) FUNCTIONS.—The Corporation shall call upon members of the advisory group, either collectively or individually, to advise it regarding the capacity of the private political risk insurance industry and the development of cooperative programs to enhance the capability of that industry to meet the political risk insurance needs of United States investors.

(3) MEETINGS.— The advisory group shall meet not later than September 30, 1989, and at least annually thereafter. The Corporation may from time to time convene meetings of selected members of the advisory group to address particular questions requiring their specialized knowledge.

(4) FEDERAL ADVISORY COMMITTEE ACT.— The advisory group shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 9. RAISING CEILING ON INVESTMENT GUARANTIES.

Section 235 (22 U.S.C. 2195) is amended in subsection (a)(2) by striking out "$750,000,000" and inserting in lieu thereof "$1,500,000,000".

SEC. 10. EXTENDING ISSUING AUTHORITY.

Section 235 (22 U.S.C. 2195) is amended in subsection (a)(5) by striking out "September 30, 1988" and inserting in lieu thereof "September 30, 1992".

SEC. 11. DEFINING ELIGIBLE INVESTOR.

Section 238 (22 U.S.C. 2198) is amended in subsection (c) by inserting before the final semicolon, the following:

"except that the acquisition of majority ownership of an entity that was theretofore an eligible investor, as defined in section 238(c)(2), by investors who are not themselves eligible hereunder shall not require the Corporation to terminate on grounds of ineligibility any insurance or guaranties previously issued so long as at least 45 percent of the voting interest in such entity continues to be beneficially owned by United States citizens.

SECTION BY SECTION ANALYSIS OF THE PROPOSED OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1988

I. INTRODUCTION

The proposed Overseas Private Investment Corporation Amendments Act of 1988 (hereafter referred to as the Bill) would amend the Foreign Assistance Act of 1961, as amended (hereafter referred to as the Act) in order to extend the authority of the Corporation to issue investment insurance and guaranties and to make certain changes in existing programs and policies.

II. PROVISIONS OF THE BILL

Section 1. Short Title

This Section provides that the Bill may be cited as the "Overseas Private Investment Corporation Amendments Act of 1988".

Section 2. Reference to the Act

This section states that unless otherwise provided, all amendments or repeals made by the Bill are to the Foreign Assistance Act of 1961.

Section 3. Updating Income Levels in Less Developed Countries

This section would continue the practice, begun in prior reauthorizations, of updating for inflation the per capita income levels established for those groups of countries with respect to which Congress has required the Corporation to either give preferential consideration (the least developed countries) or restrict its activities (the higher income developing countries).

Section 4. Promoting Investment Policy Reform

This section would establish a new policy mandate for the Corporation by requiring that, in addition to its existing legislative guidelines, it also be "guided by the extent to which the investment policies of the country in which the project is undertaken are consistent with U.S. investment policies."

In carrying out this new mandate, the Corporation would, among other things, develop programs of special assistance to countries which are deserving of recognition because of steps they have taken or are taking to improve their investment environment, and would restrict or curtail its operations in countries with investment policies that are flagrantly inappropriate.

Section 5. Maintaining Economic Stability of Host Countries

This section would give the Corporation authority to insure existing U.S. investment for the limited purpose of helping protect a developing country's economy, and the developmental and U.S. trade benefits resulting from the investments, when changed political conditions in the host country make it likely that the investments would be withdrawn.

This authority could only be used when the OPIC Board, upon recommendation of the Secretary of State, determined that insuring such investment would further the interests of the U.S. in maintaining the economic stability of the host country.

Since OPIC traditionally has insured only new investments, guidelines to be issued by OPIC's Board shall limit the insurance of existing investments to situations involving exceptional circumstances, and shall limit the term of such insurance to the period necessary to maintain the economic stability of the host country. The Board's guidelines shall also assure that the issuance of the insurance is consistent with prudent underwriting, taking into account OPIC's Congressional mandate to operate its programs on a self-sustaining basis.

Section 6. Financing Developmental Technology and Products

This section would allow OPIC to designate part of any loan from its Direct Investment Fund for use in the U.S. for the development or adaptation of technologies or products or services that are likely to contribute to the economic or social development of less developed countries. This provision would help the Corporation assure that products produced by projects it supports are optimally adapted to meet the needs and circumstances of host countries.

Under guidelines to be issued by the Corporation, this authority shall only be used where adequate research and development capabilities for adapting the products or technology are unavailable in the host country, and OPIC's role as project lender shall remain as its principal function, i.e., at least two-thirds of any loan shall be used to finance project costs in the host country.

Section 7. Pilot Program of Equity Financing in Africa and the Caribbean Basin

This section would authorize the Corporation to establish a pilot program in sub-Saharan Africa and the Caribbean Basin to assist eligible projects through the provision of limited equity capital. Preferential consideration would be given to projects involving U.S. small business or cooperatives, and the Corporation would be required to consider the extent to which the financing would assist a project sponsor in arranging the full capital investment required for the project, thereby assuring that this authority would be used only in those circumstances where a project sponsor was unable to arrange other equity financing and the project could not meet additional debt service requirements.

The pilot program would be limited to five years, and would be funded by a one-time allocation of $10 million from the Corporation's income and revenues. The Corporation would consult with Congress on an annual basis on the implementation of the program.

In developing guidelines for its pilot equity finance program, the Corporation shall draw upon the knowledge and expertise of those departments and agencies concerned with development of capital markets in developing countries, and shall provide for divestiture of any equity interest it acquires as soon as circumstances permit, recognizing that it is the purpose of the pro-

gram to help fill the initial capital requirements of desirable projects rather than to develop a permanent portfolio of equity investments by the Corporation. The Corporation shall endeavor to dispose of any equity interest within 10-years of its acquisition and in a fashion that is consonant with U.S. efforts to develop capital markets in developing countries.

Although substantially limited both geographically and in amount (the Corporation's equity interest would be limited to 30 percent of a project's total equity), the pilot program would make the Corporation more competitive with its counterparts in other major OECD countries, all of which have authority to take equity positions in projects they support, and would give the Corporation a valuable tool for fulfilling the Congressional mandate that it facilitate developmental projects in the least developed countries.

Section 8. Enhancing Private Political Risk Insurance Industry

This section would replace the pilot program established in 1985, under which OPIC was to provide reinsurance on a facultative basis, with a program of broader cooperation with the private political risk insurance industry.

The new program would be designed to enhance the growth and development of the private political risk insurance industry through the development of associations, pools or consortia between OPIC and members of the industry; through the sharing of risks in a manner conducive to the growth and development of the private insurance industry; and through agreements between OPIC and private insurers to offer insurance on investments that were previously insured by OPIC.

The new section would also replace the facultative reinsurance advisory group with a broader-based advisory group representing insurers, reinsurers, brokers and users of political risk insurance. OPIC would call upon members of the group, either collectively or individually, to advise it on the private political risk insurance industry and the development of cooperative programs to enhance the capability of that industry to meet the political risk insurance needs of United States investors.

Section 9. Raising Ceiling on Investment Guaranties

This section would raise the ceiling on the Corporation's investment guaranty authority from $750 million, which has been the ceiling since the Corporation was formed in 1971, to $1.5 billion. As of June 30, 1987, the aggregate amount of investment guaranties authorized or committed totaled $598.7 million, and it is estimated that the $750 million ceiling could be reached as early as the first quarter of fiscal year 1988. The new ceiling of $1.5 billion would allow the Corporation to operate the investment guaranty program at current levels through the term of the proposed reauthorization.

Section 10. Extending Issuing Authority

This section would extend the authority of the Corporation to issue investment insurance and guaranties until September 30, 1992.

Section 11. Defining Eligible Investor

This section would revise the definition of "eligible investor," so that OPIC would not be forced to terminate existing insurance or guaranties issued to a U.S. company simply because the percentage of U.S. ownership of the company had fallen below 50 percent. The proposed revision would allow OPIC to keep the insurance or guaranties in effect so long as U.S. ownership remained at or above 45 percent. No change would be made in the definition of eligible investor as it relates to debt investments, i.e., the final determination of eligibility would still be made at the time the insurance or guaranty is issued.

OVERSEAS PRIVATE INVESTMENT CORPORATION,
Washington, DC, November 25, 1987.

Hon. GEORGE H. BUSH,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: I am transmitting today a bill to authorize a four-year extension of the investment insurance and guaranty programs of the Overseas Private Investment Corporation ("OPIC") and to make certain changes in OPIC's authorizing legislation to further refine and improve its existing programs and policies. The Office of Management and Budget has advised that there is no objection to the presentation of this bill to the Congress.

Next year will mark the 40th anniversary of the programs adopted as part of the Marshall Plan to encourage the participation of U.S. private enterprise in the reconstruction and development of Europe. These programs, which were later expanded by the Congress and extended to countries of the Third World, will soon enter their third decade under the management of OPIC, a Government corporation formed by the Congress in 1969 with a mandate to operate a self-sustaining basis.

The reauthorization provided in the enclosed bill would mark the fifth Congressional renewal of the programs since they were placed under OPIC's management. In each year of OPIC's existence, its programs have been operated profitably and we are pleased to report that our net profit for FY 1987 is estimated to be $100 million and that our capital and reserves currently exceed $1 billion. OPIC has received no public funds beyond its original start-up appropriation of $106 million which it has returned to the U.S. Treasury.

OPIC is directed by the Congress to encourage the participation of U.S. private enterprise in Third World development and to support development projects that have positive trade benefits for the United States. With respect to U.S. trade benefits, the projects assisted by OPIC make significant contributions to the promotion of U.S. exports through both project procurement from U.S. sources and the development of Third World markets for U.S. goods and services. These contributions are particularly important in view of the continuing U.S. trade deficit and the increasing evidence of the strong positive relationship between overseas investment and trade.

In the course of its successive reauthorizations, OPIC has also been called upon by the Congress to carry out a number of other mandates. Thus, as directed by the Congress, OPIC gives preference to projects located in the least developed countries. In this connection, OPIC is currently engaged in special efforts to increase private sector investments in the economic development of sub-Saharan Africa and the Caribbean Basin. OPIC is also directed by the Congress to encourage greater participation in its programs by U.S. small business and cooperatives, and in FY 1987, as in previous years, OPIC exceeded Congressional goals for such participation.

OPIC carries out its Congressional mandates through the operation of programs of political risk insurance, investment guaranties, direct loans and investment promotion facilities. We believe that the refinements to these programs that are contained in the enclosed bill will make OPIC even more effective in assisting the economic development of Third World countries, increasing U.S. exports through project procurement and the creation of new markets for U.S. goods and services, encouraging investments in the least developed countries and helping U.S. small businesses and cooperatives compete in the world marketplace.

The principal provisions of the enclosed bill are as follows:

Encouraging Investment Policy Reform in Developing Countries.—To encourage developing countries to improve their investment environments, thus helping them attract foreign capital and technology to assist their economic development, a new policy guideline would be added to OPIC's authorizing legislation that would require OPIC to consider in the operation of its programs the extent to which a host country's investment policies are consistent with U.S. investment policies.

Maintaining Economic Stability of Developing Countries.—To help maintain the economic stability of a developing country when it appears that political change might cause disinvestment that adversely affects the country's development, OPIC would be authorized in exceptional circumstances, and to the extent consistent with prudent underwriting, to insure U.S. investments already in the affected country.

Financing Developmental Technology and Products.—To help assure that products produced by OPIC-supported projects in Third World countries are optimally adapted to meet the needs and circumstances of host countries, thereby increasing the developmental impact of such projects, OPIC would be authorized to designate part of a project loan for use in the U.S. in the development and adaptation of such products.

Pilot Program of Equity Financing in Africa and the Caribbean Basin.—To further assist sub-Saharan Africa and the Caribbean Basin, two areas of the Third World that are in dire need of developmental projects, OPIC would be authorized to operate in those regions a five-year pilot program, funded by $10 million from OPIC's earnings, for providing small amounts of equity capital to projects, particularly those sponsored by U.S. small businesses or cooperatives, that are unable to arrange other financing.

In conclusion, the Administration believes that OPIC has played an important role in advancing U.S. foreign economic development policies and that its programs can be of even greater value in the future. There is a growing recognition on the part of Third World leaders that foreign private investment can play a vital role in their economic development. This affords a unique opportunity for the U.S. private sector, OPIC and the Congress to help demonstrate the efficacy of the private enterprise system in promoting economic growth while at the same time assisting the international competitive position of the U.S. The improvements in OPIC's programs that are sought in this proposed reauthorization legislation will provide OPIC with additional tools to play an even more effective role in achieving the important goals established for it by the Congress.

Sincerely,

CRAIG A. NALEN.●

By Mr. DOLE:

S. 2007. A bill to amend the Atomic Energy Act of 1954 to provide for a neutral review by the National Academy of Sciences of emergency evacuation plans necessary for approval of low power and operating licenses for nuclear facilities; to the Committee on Environment and Public Works.

S. 2008. A bill to amend the Atomic Energy Act of 1954 to require consideration of an emergency evacuation plan for a nuclear facility before a construction permit is issued for such facility; to the Committee on Environment and Public Works.

NUCLEAR PLANT EVACUATION LEGISLATION

Mr. DOLE. Mr. President, following the accident at the Three Mile Island nuclear facility in 1979, a number of significant changes have been made by both the Congress and the Nuclear Regulatory Commission to decrease the risk of additional accidents as well as establishing procedures to be followed in the event another does occur.

One of the most significant changes has been the requirement for evacuation plans to be in place for an emergency planning zone surrounding a commercial nuclear reactor before a full-power operating license could be granted by the NRC. Unfortunately, as laudable as this requirement is, the current mechanism is flawed in its implementation.

Under current law, a State or its political subdivisions is expected to file an evacuation plan for these plants. However, in the event a State refuses to submit a plan, or if a plan submitted by a State is ruled to be inadequate by the NRC, the operator of the plant may file its own plan with the NRC. This procedure was contained in statute from the outset of the evacuation planning process in 1980.

UTILITY-SUBMITTED PLANS

There are currently two commercial reactors which are entirely constructed and ready for licensing but have had the licenses held up due to a lack of cooperation by a State within the emergency planning zone.

Tens of millions of dollars are being spent each month to pay the interest costs on these multibillion dollar plants as those who reside near these plants watch in astonishment as politicians play Russian roulette with their health and safety. The residents are looking for some assurance that someone is looking out for them—not looking out for political gain.

The first of the two bills I am introducing will help alleviate the fears of these individuals by requiring the NRC to contract with the National Academy of Sciences for a review of the adequacy of the utility-submitted plans. The academy, an independent organization established by Congress in 1863 to advise the Federal Government on "any subject of science or art," would then advise the NRC if the plan met all statutory and regulatory requirements to protect the public health and safety.

Mr. President, the Department of Energy contracted with the academy to study the safety of the Federal production reactors in the States of Washington and South Carolina. The recently completed study pointed out a number of matters which would have to be corrected before the academy would state that the reactors were operating safely. My proposed requirement for a review by the National Academy of Sciences for commercial reactors with utility-submitted evacuation plans would cover some of the same issues already reviewed by the academy for plants owned by the Federal Government.

In addition, I believe a "stamp of approval" by the academy would go a long way toward assuring the nearby residents of a commerical reactor that their welfare was of the utmost concern to the Federal Government.

FUTURE PLANTS

Mr. President, the second bill I am introducing addresses the future of evacuation planning. We all know that hindsight can be 20/20, and with this advantage it is time to review the current system and look for improvement.

If we are truly concerned with the health and safety of those who reside near nuclear plants, the evacuation process should begin before a plant is constructed. Currently, NRC determines whether residents can be safely evacuated only after billions of dollars have been spent to construct a plant. In the case of the two plants where the utility has been forced to submit its own evacuation plan, these billions of dollars may never result in the generation of the promised power for the consumer.

Therefore, I am introducing legislation which will move the evacuation process up-front, in a cooperative effort between the Federal and State governments. I propose to give the States, in effect, a veto over whether a commerical nuclear reactor will be constructed within their boundaries by providing that a State file a preliminary evacuation plan and for the NRC to approve that plan before the NRC could issue a construction permit. However, once that State gave its approval, it would be required to work with the NRC through in the final evacuation plan process.

This process puts the health and safety of the nearby residents first, not last, and assures that political maneuvering will not enter the process while staggering interest bills are awaiting payment by consumers who may never receive the benefit of additional power.

Mr. President, no new nuclear powerplants have been ordered in years. If nuclear is to fit in the mix of domestically produced energy in America's future, some certainty must be placed in the current process. The cooperative efforts of the Federal and State governments will be required, and this bill is a first step in that direction.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 16 of the Atomic Energy Act of 1954 (42 U.S.C. 2231 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 193. REVIEW OF EMERGENCY EVACUATION PLANS.—

"The Commission shall not issue a temporary operating license or a full power operating license for a utilization facility required to be licensed under section 103 or 104b. of this Act to an applicant for such a license required to submit an emergency evacuation plan under this Act unless the emergency evacuation plan of the applicant and any other emergency evacuation plan submitted by a State or local government are reviewed by the National Academy of Sciences and the National Academy of Sciences reports to the Commission with respect to the adequacy of such plans.".

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 185 of the Atomic Energy Act of 1954 is amended by—

(1) striking out "All applicants" and inserting in lieu thereof "a. Subject to the provisions of subsection b., all applicants"; and

(2) adding at the end thereof the following:

"b.(1) No applicant for a license to construct or modify a production or utilization facility required to be licensed under sections 103 and 104b. of this Act shall be granted a construction permit unless each State within the emergency planning zone for such facility submits a preliminary emergency evacuation plan for the facility and each such plan is approved by the Commission.

"(2) The preliminary plan required by paragraph (1) shall include sufficient data for a determination that adequate roads, equipment, and personnel exist or will be provided for the safe evacuation of those who reside in the emergency planning zone.".

(b) Section 182 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following:

"e. The Commission shall not issue a full operating license for a utilization or production facility required to be licensed under sections 103 and 104b. of this Act unless the Commission has approved a final emergency evacuation plan for such facility. The final emergency evacuation plan for a facility shall not be subject to approval by each State within the emergency evacuation planning zone of such facility.".

By Mr. DOLE:

S. 2009. A bill to establish a national advisory counsel on children's issues, to provide a Federal-State child care grant program, and for other purposes; to the Committee on Finance.

FEDERAL CHILD CARE AND CHILD DEVELOPMENT COORDINATION ACT

Mr. DOLE. Mr. President, I am introducing "The Federal Child Care and Child Development Act of 1988." As my colleagues are aware, issues affecting children are in the forefront of our national consciousness today.

NATIONAL ADVISORY COUNCIL ON CHILDREN'S INITIATIVES

Mr. President, there are currently scores of programs relating to children buried in different Federal departments with virtually no interagency coordination. We have child nutrition programs in the Department of Agriculture, health and low-income assistance programs in the Department of Health and Human Services, child and drug abuse programs in the Department of Justice, not to mention education programs at that Department.

Moreover, because the children's program can be secondary to the primary mission of a given Department or Agency, it may not always get the priority attention it deserves. We need one voice within the Federal Government to speak on behalf of children and ensure that their interests are being protected.

To this end, I am including in this bill a provision to establish a national advisory council on children's issues, which would report directly to the President and would be responsible for coordinating programs affecting children in the various Federal agencies and serving as an advocate for children's concerns.

As we head into the 1990's, children's issues are taking on increasing significance as part of the National agenda. Child abuse, drug abuse, teen pregnancy, the high drop-out rate—all these are issues calling out for national attention. We need a uniform, coordinated strategy to deal with these problems. Children need an official, national advocate—one with direct access to the President. Creating such an advisory body will give children's issues the prominence they deserve.

CHILD CARE GRANT PROGRAM

Mr. President, it is time that the Federal Government come to grips with demographic realities. The United States labor force now includes 53 million women. In addition, the growth in the female labor force has occurred primarily among women with very young children, with the result that 50 percent of working mothers have children under 6 years of age, and, of these, 25 percent are single parents.

Finding safe, affordable child care has become a major problem for parents of modest means. Many are confronted with the stark choice of leaving their children at home alone or in the hands of unlicensed providers. Based on current realities, I believe we need a national strategy to deal with this problem. While the Federal Government can't provide all the answers, as some woud have it do, it clearly has a role in this effort.

The Federal Child Care Grant Program to the States which I am proposing would be targeted at increasing the availability of child care services to low- and moderate-income parents. The grants could be used for a variety of activities, including:

Neighborhood child care centers, after-school child care programs, and startup costs for onsite child care offered by small business employers;

Establishment of grandcare programs which would recruit and train senior citizens to serve as child care workers;

Assistance to help family-based child care providers and others meet State licensing standards;

Coordination with existing programs, including Head Start, Chapter One, and preschool programs for disabled children to extend the hours of operation to help employed parents; and

Voucher programs to assist with child care costs for low-income parents.

OFFSETTING COSTS

Mr. President, this type of initiative could be paid for by phasing out the dependent care tax credit for high income families. Although I have been a strong supporter of the dependent care tax credit, I believe we have to reevaluate our priorities, given the Federal deficit situation.

Low- and moderate-income parents desperately need affordable child care. In these tough budgetary times, I believe this is where our Federal child care dollars should be spent. Phasing out the tax credit for upper income individuals could save $300 to $400 million a year.

CONCLUDING REMARKS

Mr. President, my ultimate goal is to have child care programs funded with the grant moneys become self-sustaining. I hope that, with Federal leadership and help, the supply will eventually catch up with the demand. At this point, I also want to make it clear that I am opposed to proposals by which the Federal Government would require employers to provide day care or dictate day care standards. It is the role of the Federal Government to facilitate—no mandate—the provision of child care services.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Child Care and Child Development Coordination Act of 1988".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the incidence of child abuse, child and teen drug and alcohol abuse, teenage pregnancy and high rates of students dropping out of secondary schools, are issues calling for national attention;

(2) the labor force includes over 50,000,000 women, and the growth in the numbers of the women in the labor force has occurred primarily among women with young children; and

(3) safe and affordable child care has become a major problem for parents of modest means and for parents with low incomes.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish a National Advisory Council on Children's Issues; and

(2) to establish a Federal child care grant program.

TITLE I—NATIONAL COUNCIL ON CHILDREN'S ISSUES

SEC. 101. ESTABLISHMENT.

There is established the National Council on Children's Issues (hereinafter referred to in this title as the "Council".

SEC. 102. MEMBERSHIP.

(a) MEMBERS.—The Council shall be composed of—

(1) the Secretary of Agriculture;

(2) the Secretary of Education;

(3) the Secretary of Health and Human Services;

(4) the Secretary of Labor;

(5) the Attorney General; and

(6) the heads of such other Federal agencies as the Council considers appropriate.

(b) CHAIRPERSON.—The Council shall elect a Chairperson and a Vice Chairperson from among its members.

(c) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings.

(d) MEETINGS.—The Council shall meet at the call of the Chairman or a majority of its members.

SEC. 103. FUNCTIONS.

(a) FUNCTIONS.—The Council shall—

(1) review all Federal activities and programs relating to issues involving children;

(2) take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies concerning issues involving children;

(3) monitor, evaluate, and improve programs and activities that assist children conducted by Federal agencies, States and local governments, and private voluntary organizations;

(4) provide professional and technical assistance to States, local governments, and other public and private nonprofit organizations, in order to enable such governments and organizations to—

(A) effectively coordinate and maximize resources of existing programs and activities concerning children's issues; and

(B) develop new and innovative programs and activities to assist children;

(5) collect and disseminate information relating to issues involving children;

(6) serve as an advocate for children; and

(7) prepare the annual reports required by subsection (c)(2).

(b) AUTHORITY.—In carrying out subsection (a), the Council may—

(1) arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities concerning issues involving children; and

(2) publish a newsletter concerning Federal, State, and local programs which are effectively meeting the needs of children.

(c) REPORTS.—

(1) DEPARTMENT REPORTS.—Within 90 days after the date of enactment of this Act, and annually thereafter, the head of each Federal agency shall prepare and transmit to the Council a report that describes—

(A) each program involving children administered by such agency and the number of children served by such program; and

(B) impediments, including any statutory and regulatory restrictions, to the use by children of each such program and to obtaining services or benefits under each such program.

(2) COUNCIL REPORT.—The Council shall prepare and transmit to the President an annual report that—

(A) assesses the nature and extent of the problems relating to children and the needs of children;

(B) provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to paragraph (1);

(C) describes the accomplishments and activities of the Council in working with Federal, State, and local agencies and public and private organizations in order to provide assistance in resolving issues concerning children;

(D) assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to paragraph (1); and

(E) specifies any recommendations of the Council for legislation, administrative actions, or other appropriate and necessary actions to resolve such problems and meet such needs.

SEC. 104. DIRECTOR AND STAFF.

(a) DIRECTOR.—The Council shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) ADDITIONAL PERSONNEL.—With the approval of the Council, the Executive Director may appoint and fix the compensation of such additional personnel as the Executive Director considers necessary to carry out the duties of the Council.

(c) CONSULTANTS.—Subject to such rules as may be prescribed by the Council, the Executive Director may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed $200 per day.

(d) DETAILS.—Upon request of the Council, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Council to assist the Council in carrying out its duties under this title.

(e) ADMINISTRATIVE SUPPORT.—The Secretary of Health and Human Services shall provide to the Council such administrative and support services as the Council may request.

SEC. 105. POWERS.

(a) MEETINGS.—For the purpose of carrying out this title, the Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate. The Council may administer oaths or affirmation to witnesses appearing before the Council.

(b) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action which the Council is authorized to take by this section.

(c) INFORMATION.—The Council may secure directly from any Federal agency such information as may be necessary to enable the Council to carry out this title. Upon request of the Chairman of the Council, the head of such agency shall furnish such information to the Council.

SEC. 106. DEFINITION.

As used in this title, the term "Federal agency" has the meaning given to the term "agency" in section 551(1) of title 5, United States Code.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

To carry out this title, there are authorized to be appropriated such sums as may be necessary for fiscal year 1988.

TITLE II—CHILD CARE GRANT PROGRAM

SEC. 201. DEFINITIONS.

As used in this title:

(1) CHILD.—The term "child" means an individual who has not attained 13 years of age;

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given that term by section 1201(a) of the Higher Education Act of 1965;

(3) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the same meaning given that term by section 198(10) of the Elementary and Secondary Education Act of 1965, or any successor statute defining that term for the purposes of Federal assistance to elementary and secondary education;

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services; and

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the trust territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 202. GRANT PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this title, to make grants to States to pay for authorized activities under a State plan approved under section 205.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $300,000,000 for the fiscal year 1989, and $400,000,000 for each of 3 succeeding fiscal years.

SEC. 203. ALLOTMENTS.

(a) RESERVATIONS.—The Secretary shall reserve 1 percent of the amount appropriated for each fiscal year under section 202 for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs.

(b) STATE ALLOTMENT.—

(1) IN GENERAL.—From the remainder of the sums appropriated under section 202 for grants to States for each fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of individuals in such State who have not attained 13 years of age bears to the total number of such children in all States, except that each State shall be allotted not less than one-half of 1 percent of such remainder for each fiscal year.

(2) DEFINITION.—For the purpose of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and the Trust Territory of the Pacific Islands.

(c) RECENT DATA REQUIRED.—For the purpose of this section, the Secretary should use the most recent data available.

(d) REALLOTMENT.—

(1) IN GENERAL.—Any portion of the allotment of a State under subsection (b) that the Secretary determines is not required to carry out a State plan approved under section 206, in the period that the allotment is made available, should be reallotted by the Secretary to other States in proportion to the original allotment of such States.

(2) REDUCTIONS.—The amount that another State is entitled to under paragraph (1) shall be reduced to the extent that such amount exceeds the sum that the Secretary estimates will be used in that State to carry out a State plan approved under section 206 and the amount of such reductions shall be similarly reallotted among States in which the proportioned amount is not reduced.

(3) TREATMENT.—Any amount reallotted to a State under this subsection shall be considered to be part of the original State allotment under subsection (b) for that year.

SEC. 204. ELIGIBLE PROVIDERS.

For the purpose of this title an eligible provider is—

(1) a unit of general local government;

(2) a local educational agency;

(3) a nonprofit organization, including any organization described in section 501 (c) or (d) of the Internal Revenue Code of 1986;

(4) a professional or employee association;

(5) a consortium of small businesses;

(6) an institution of higher education;

(7) a hospital or health facility;

(8) a family care provider; or

(9) an entity which the State determines is able and appropriate to carry out a project assisted under this title.

SEC. 205. AUTHORIZED ACTIVITIES.

Grants made under this title to a State may be used for—

(1) the provision of child care services to low-income parents and to parents with moderate incomes, including the provision of such services with appropriate fee schedules;

(2) the establishment and operation of neighborhood child care centers, after school child care programs and the startup cost of onsite child care offered by small business concerns;

(3) the establishment of programs which would recruit and train senior citizens to serve as child care workers;

(4) assistance to help eligible providers and family based child care providers to meet the licensing standards required by the State for furnishing child care services; and

(5) the coordination of programs assisted under this title with child care programs operated or assisted by the State and with federally assisted child care programs, including Head Start programs, Federal assistance programs for the education of disadvantaged children in the elementary schools of

the State, preschool programs, and programs for handicapped children, designed to improve the operation of such program with respect to hours of operation for child care services.

SEC. 206. STATE PLAN.

(a) STATE PLAN REQUIRED.—Each State desiring to receive a grant from its allotment under this title shall prepare and submit a State plan to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) CONTENTS OF PLAN.—Each such plan shall—

(1) describe the State agency which will administer the programs for which assistance is sought;

(2) describe the authorized activities for which assistance is sought consistent with the provisions of section 204;

(3) provide assurances that the State will provide technical assistance to eligible providers;

(4) provide assurances that Federal funds made available under this title for any fiscal year will be so used as to supplement, and to the extent practicable, to increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the purposes described in section 204, and in no case supplant such funds from non-Federal sources;

(5) provide assurances that the State will not expend more than 10 percent of the amount received in any fiscal year for administrative expenses;

(6) describe procedures the State will use for eligible providers to submit applications to the State in accordance with section 207, and for approval of applications by the State agency designated under paragraph (1), including appropriate procedures to assure that the State agency will not disapprove an application without notice and opportunity for a hearing;

(7) provide assurances that the State will establish standards for the purpose of this title;

(8) provide such fiscal control and account procedures as may be necessary—

(A) to insure proper accounting of Federal funds paid to the State under this title; and

(B) to ensure the verification of reports required under this title; and

(9) provide such additional assurances that the Secretary may reasonably require.

(c) APPROVAL.—The Secretary shall approve State plans submitted under subsection (b) which meet the requirements of this title.

SEC. 207. APPLICATION FOR GRANTS BY ELIGIBLE PROVIDERS.

(a) APPLICATION.—In order to receive a grant from the State under this title, an eligible provider shall submit an application to the State that—

(1) describes the project for which assistance is sought;

(2) contains assurances that the eligible provider will use the funds furnished in accordance with requirements of this title;

(3) provides assurances that appropriate fee schedules will be established in the case of any project in which child care services are furnished with assistance under this part and that such fee schedules will be based on the annual incomes of the participating families;

(4) provides assurances that procedures will be established for parental involvement in the operation of the project; and

(5) if necessary, the eligible provider will comply with the training and other requirements of section 206(a)(7).

(b) PRIORITY.—In making grants under this title, a State should give priority to applications from eligible providers that—

(1) meet the licensing requirements of the State; and

(2) significantly expand or improve the provision of child care services to children of parents with low incomes and parents with modest incomes.

SEC. 208. EVALUATION.

(a) EVALUATIONS REQUIRED.—Each State agency designated under section 206(b)(1) shall—

(1) conduct an evaluation of projects assisted under this part at least every 2 years and make public the results of that evaluation; and

(2) inform eligible providers of the specific evaluation information that the State agency will need.

(b) REPORT.—

(1) IN GENERAL.—Each State agency designated under section 201(b)(1) shall prepare and submit a report to the Secretary on the evaluations conducted under this section.

(2) SUMMARIES.—The Secretary shall, as part of the annual report of the Department of Education, prepare and submit to the Congress a summary of the evaluations conducted under this section.

SEC. 209. PAYMENTS.

(a) IN GENERAL.—The Secretary shall pay to each State under the State plan approved under section 206 the cost of the activities described in the State plan.

(b) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(c) SPENDING OF FUNDS BY STATE.—Payments to a State from the allotment under section 203 for any fiscal year may be expended by the State in that fiscal year or in the succeeding fiscal year.

TITLE III—CHILD AND DEPENDENT CARE CREDIT

SEC. 301. CHILD AND DEPENDENT CARE CREDIT COMPLETELY PHASED OUT FOR ADJUSTED GROSS INCOMES ABOVE $80,000.

(a) IN GENERAL.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (relating to expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) APPLICABLE PERCENTAGE DEFINED.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 0 percent) by the sum of—

"(A) 1 percentage point (but no more than a total of 10 percentage points) for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000, plus

"(B) 1 percentage point for each $1,500 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $50,000.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1987.

By Mr. LEVIN (for himself, Mr. DOLE, Mr. DODD, Mr. COHEN, Mr. CRANSTON, Mr. DURENBERGER, Mr. MOYNIHAN, Mr. WIRTH, Mr. BREAUX, Mr. PELL, Mr. MITCHELL, Mr. SIMON, Mr. DASCHLE, Mr. CHAFEE, Mr. ADAMS, Mr. RIEGLE, Mr. MATSUNAGA, Mr. D'AMATO, Mr. HOLLINGS, Mrs. KASSEBAUM, Ms. MIKULSKI, Mr. HARKIN, Mr. WEICKER, Mr. SPECTER, Mr. HEINZ, Mr. BOREN, Mr. SANFORD, Mr. STAFFORD, Mr. REID, Mr. DECONCINI, Mr. CONRAD, Mr. PRYOR, Mr. BINGAMAN, and Mr. FOWLER):

S. 2010. A bill to establish a National Voluntary Reunion Registry Demonstration Program; to the Committee on Labor and Human Resources.

NATIONAL VOLUNTARY REUNION REGISTRY

Mr. LEVIN. Mr. President, today I am joined by 34 of our colleagues from both sides of the aisle in introducing a humane and much-needed piece of legislation. I am pleased to have the support of Senator DOLE; and Senator DODD, chairman of the Labor Subcommittee of Children, Family, Drugs and Alcoholism and to have the continuing cosponsorship of long-time supporters of this legislation such as Senator COHEN, Senator CRANSTON, Senator MOYNIHAN, and Senator DURENBERGER.

We are all deeply touched by the problems of adult adoptees, birthparents and separated siblings who, often for many years and at great expense, have been looking for each other. The felt need of so many of these individuals to have access to information which may affect their own mental and physical health and influence their own family decisions, is often of great moment. The facilitating of such reunions should be dealt with care, thoughtfulness, and compassion for all the parties involved.

The legislation we are introducing today deals with these needs and emotions in a careful and sensitive way. The bill is designed to avoid intrusion into the life of either party, the birthparent who put her child up for adoption or the child who was adopted. The legislation does not involve the opening of sealed records.

Our proposal would authorize a 3-year demonstration project where adult adoptees and biological parents, and separated siblings, may voluntarily find each other through a centralized National Voluntary Reunion Registry. The system would not search for one party at the request of another. Both parties would have to, on their own, mutually and voluntarily enter into the system in order for a reunion to be facilitated.

The anticipated cost of this program is minimal—expected not to exceed $300,000 the first year—and future costs would be offset by reasonable fees paid by the applicants. Under our proposal, the Secretary of Health and Human Services would be authorized to provide, by contract with public or private nonprofit agencies or organizations, a computerized clearinghouse to

facilitate these voluntary, mutual reunions. The legislation contains provisions making it unlawful for information contained in the National Voluntary Reunion Registry to be disclosed for unintended purposes.

Mr. President, a number of sources reveal that there may be as many as 10 million adopted persons in the United States today. According to a report prepared by the American Law Division of the Congressional Research Service:

It is estimated at the present time that there are five million adopted persons in the United States, of whom some two million are actively involved in a search for the identity of their birth parents. A lesser but still significant number of birth parents are also attempting to locate children they have given up for adoption. These figures may in fact be unrealistically low, due in part to the increasing practice, widespread in some areas, of placing infants for adoption through unauthorized channels. Also, of the adoptees not seeking to learn something of their background, many have been placed with relatives or otherwise grow up with knowledge of the circumstances behind their adoptions; others are children, too young for any such effort; and still others, while interested, are discouraged from trying by the realization that the present state of the law in many states makes any such effort difficult if not impossible.

Mr. President, my office has been involved in extensive research, surveying search groups, interviewing adoptive parent, individuals of the medical and legal professions, reviewing case studies, and personally screening hundreds of individuals who are searching for, or have located, relatives. Additionally, the Governors of the States that now have reunion registries support the concept of a National Voluntary Reunion Registry.

I would like to share with my colleagues excerpts from some of the responses I have received about my proposal from Governors of the 19 States that have implemented State registries. They are as follows:

September 4, 1987, Governor Donald Schaefer, State of Maryland. "In light of the differing, and often conflicting requirements of the existing local registries and the number of states with no registry at all, we support the legislation you propose."

September 9, 1987, Governor Neil Goldschmidt, State of Oregon: "The Children's Services Division maintains Oregon's registry and the adoption program staff reviewed your proposed legislation. They found your proposal compatible with our state goals and recommended support for the concept of a National Registry."

December 4, 1987, Governor Edward W. Edwards, State of Louisiana: "Generally, I am supportive of the proposed legislation included in your letter as I view it as a means to extend services for those involved in the adoption triangle."

October 26, 1987, State of Illinois: "Governor Thompson referred your letter to the Department of Children and Family Services so your questions could be answered. We, in Illinois, are supportive of the attached proposed legislation."

August 21, 1987, State of Arkansas: "Ray Scott, Director, Department of Human Services, referred your letter to Governor Clinton to the Division of Children and Family Services . . . Yes, Arkansas is supportive of the legislation you are proposing. This legislation appears to be what is needed in order to connect individuals with adoption inquiries throughout the nation.

This proposal also enjoys the support of many adoptive parents, and adoptive parent support groups. As I reflect on the numerous meetings I have had over the years with adoptive parent groups on the issue of a national registry, there are a number that stand out vividly in my mind. For instance, I would like to share with our colleagues excerpts from a letter received from the cofounders of Parents For Private Adoption based in Pawlet, VT, following their meeting with me in my Washington office in June of 1986. Their thought-provoking and sympathic expressions of support of this bill reads, in part, as follows:

Thank you for inviting us to discuss your bill to establish a national reunion registry. As a national education and support group, we are well aware that this country is in its infancy as it begins to address the controversial issues related to adoption. We wholeheartedly support your efforts to establish a national registry. Now that we are [adoptive] parents, we know even better that our children all too soon will become adults who are entitled to all the rights of any other American. For us, as parents, it is unthinkable to prevent them from knowing the truth about their heritage. Our little daughter was seriously ill recently with an immune system disease. She might have needed a bone marrow transplant. I cannot begin to tell you what peace of mind I had, knowing that all I had to do was pick up the phone and make one phone call—not to a federal or state agency, not to a lawyer, not to anyone but the birthmother herself to arrange for what might have been a crucial, lifesaving transplant." Signed: Margaret Hutchison-Betts, Parents For Private Adoption, P.O. Box 7, Pawlet, Vermont 05761; other co-founders Dr. Alan Betts and Dawn Smith-Pliner.

Mr. President I was deeply touched by a letter I recently received from Mrs. Maureen M. Wahmhoff from my own State of Michigan. Mrs. Wahmhoff is the president of Adoptive Parents Responding In Love which is headquartered in Baraga, MI. Her letter reads as follows:

I am probably an unusual case since I wear two "hats", I was adopted myself in 1937, and my husband and I have adopted our three children. after searching for my birth mother with no success, I must admit I was a bit hesitant about our children wanting to search. However, I also realize what a quandary they are in just not knowing who their birthparents are, what they look like, etc. Our feeling on this is these are our children in our hearts and nothing is going to change that for either of us. The difficulties in beginning this search are many. As an adoptive parent, I firmly believe we need a registry system whereby our adopted children have a means of making contact with their birthparents whether because of a medical history problem or a physical or emotional longing to meet their parents face to face." Signed: Maureen M. Wahmhoff, Adoptive Parent (President of Adoptive Parents Responding in Love), Rt. 1, Box 360, Baraga, Michigan 49908.

Mr. President, a recent survey conducted by my staff revealed that more and more adoptive parents support efforts of adopted sons and daughters who are seeking to connect with their roots. The organization, Roots and Reunions in L'Anse, MI, recently reported that 75 percent of all requests for reunion assistance last year came from adoptive parents. Not only are these adoptive parents seeking to meet the needs of their sons and daughters, "Our adoptive parents want to set at ease the hearts of their childrens' birth mothers, but are unable to do so," says Mrs. J.A. Swanson, director of the organization.

According to Emma May Vilardi of the International Soundex Reunion Registry [ISRR], "20 percent of ISRR's registry applicants for adoptees under the age of 18 have been made by adoptive parents. Mrs. Vilardi says she has received application requests for prospective adoptive parents "who want to register their newly acquired children for future reunion with their birthparents."

A preliminary Los Angeles study determined that 89 percent of the birthparents they surveyed wanted reunion with their relinquished children when grown, if the offspring so desired.

Many who have sought and succeeded in locating each other, find many troublesome events might have been avoided had their struggle been aided at an earlier time. One such example brought to my attention by a birthmother from Michigan is outlined in the following letter:

I want to register my support for your voluntary reunion registry. I am a birthmother who surrendered to adoption in 1960. I was pleased and encouraged when Michigan instituted a mutual consent registry in 1980, but was disappointed that no effort was made to notify adoptive parties of its existence. After six years of searching, and the expenditure of over $3,000, I finally located my daughter shortly before her 24th birthday. Because she no longer lived in Michigan, she was unaware of the mutual consent registry, so had not filed. However, she had made a preliminary contact with a Detroit search and support group in 1981, taking the first steps toward finding me. She did not feel comfortable about conducting an all-out search for me at that time, because she feared my rejection of her. Had she attended a support group meeting, she might have learned about the Michigan registry, where I had filed a consent waiver years ago. My daughter was one of two adopted children raised in an unfortunate home situation.

The mother's alcoholism led to her death at the age of 52, leaving the two girls motherless at ages 12 and 14. My daughter left home without finishing high school at age 17, and was totally on her own thereafter. One year later, I had begun to search for her, yet we were kept apart by the current

adoption system. Because of that system, I also lost my first grandchild to abortion. I have learned that, at age 20, my daughter became pregnant out of wedlock. Being her own sole means of support, and having no family to back her up, she saw abortion as the only realistic alternative open to her. It breaks my heart to realize that at the time she was going through this excruciating decisionmaking process, I was searching frantically for her. If only I could have found her in time, I could have offered her the loving support she needed to bring her child to term and parent it. You will be interested to know that at the present time I am helping a number of adoptive parents in search of their children's birthparents."

Sincerely,

MICHIGAN BIRTHMOTHER.

Dr. Dirck Brown, family therapist and coauthor of Clinical Practice in Adoption (Pergamon Press), has had extensive clinical experience working with families who have adopted, adoptees of all ages, and men and women who have relinquished children in adoption. In recent correspondence to me about the proposed National Voluntary Reunion Registry, he said:

Your legislation will contribute in a substantial way to the positive emotional and social well-being of all those involved in the adoption experience—adoptees, birth parents, and the adoptive family. Adoptees understand and acknowledge universally that their "real parents" are their adopted parents—that bond cannot be broken by having accurate information about one's birth parents and having the opportunity, as an adult, to have contact with them if that is desired. Thus the right to know on the part of the adopted person supports healthy relationships between the adopted person and his or her parents.

Mr. President, the CRS report I referenced earlier also touches upon the frustration felt by adopted persons, many of whom meet obstacle after obstacle in their pursuit of reunion with their blood relatives. According to the report, "To adoptees searching for their birth parents," the facts are simple and straightforward: they are being denied access to information on their backgrounds and identity which is readily available to the non-adopted. One adoptee recently appealed to a State legislature considering a right to access proposal to "give me the same right to know my roots that you give to those who are not adopted," adding, "How can you deny me my identity by locking away my heritage?" Another noted at the same hearing, "It's really very difficult to communicate to one who is not adopted what it is like to be without the same basic information that the rest of society takes for granted."

Kate Pijanowski of Houston, TX, author of a soon-to-be published book on adoption laws and her struggle over a 25-year period to find her birthmother, recently wrote:

I do wish you success in implementing the national registry. The adult adoptee feels punished and victimized. * * * I finally succeeded. It only took 25 years, 365 filed pages of inquiries and phone billings crossing six states. There are an additional 85 pages of genealogical documentation. Monetary cost? But the emotional cost was more exacting. I suffer from a genetic kidney disease, but even without that factor, it is my right to know my history, and more important, it is not anyone else's right to deny me and the other 5 million adoptees in this country * * *.

Mr. President, the separation of siblings, including twins and triplets in past years was more the norm rather than the exception. Regrettably, for many siblings, reunion may not come soon enough. Mrs. Vilardi reports that the oldest living adoptee registered with ISRR for reunion with his siblings is 96 years of age. Mrs. Vilardi says, "he knows he was one of 12 children and keeps hoping we will find his siblings. We also have deceased adoptees registered by their children or grandchildren whose births extend back to the 1860's."

Mr. Clyde Worley of Columbia, MO, recently wrote:

I was adopted, in 1934, and until 1984 was under the impression that I was an only child. In May of 1984 I discovered that I had four older siblings as well as a twin sister. I had no idea of the time and expense involved in locating them. We have been to court in three states, Arkansas, Tennessee, and Mississippi. We have located four of the siblings but, as of yet have been unable to locate the twin sister. My older sister was 11 years old at the time of seperation and had been able to keep track of some of the others. She had also located our birth mother and kept track of her, until her death in 1977. The father passed away in June of 1934. I am very much in favor of your bill to establish a national registry. I know that if such a registry had been in place while the major portion of my search was being done that a great amount of time and money would have been spared.

Let me also share the remarks of a young woman who wrote to me and whom my staff interviewed relative to the proposed National Voluntary Reunion Registry. She is a 41-year-old professor, formerly of a univerity in Connecticut, and she has been searching for her birth mother for 12 years:

Had I surrendered a child for adoption, I know I would always secretly wonder what had happened to her, if she were alive, if she were well, if she had found a good home. I would wonder what she looked like, what sort of person she had become. I would wonder if she wondered about me. Sociological research done over the last ten years indicates that my projections were not unfounded. The overwhelming majority of women who give up children for adoption are disturbed by these questions all their lives. Many are even haunted by guilt. This is a chapter in their lives that never has an ending. They can never put their thoughts to rest. If only I could speak to the woman who gave me life I could tell her how happy I am; I could tell her about the wonderful people who adopted me and the joy she brought into their lives. And for my part, I could see her, discover the secret of my origin, know the country from which my ancestors came, the story that is my history. I could reenter the bond of life that links all other people. I would see a blood relative—until my daughter was born, I could never discern my features in the face of another, and again and again since my son's birth people have asked me "who does he look like?" I want to know the answer. For twelve years I have been searching. Under our present laws, the search is difficult, frustrating and time consuming. It is often expensive, as well. I worked for two years with a young man searching for his biological parents and when he finally found them, learned that his birth mother and he had both gone to the same adoption agency for information within months of each other and were denied help. Each was assured that the other would not want to know and would suffer from knowledge or contact! We cannot but question why this myth is being perpetuated in the face of direct refutation, personally in this case or more broadly in the face of sociological studies of hundreds of involved parties.

I would also like to bring to the attention of our colleagues excerpts from a letter I received from Thomas J. Bouchard, Jr., Professor of Psychology, Director, Minnesota Study of Twins Reared Apart:

Because of my work with twins reared apart conducted at the University of Minnesota, I have been contacted by parties interested in the passage of the national reunion registry proposed by Senator Levin.

I have, over the last five years, worked with a large number of twins who were separated early in life and who have experienced adult reunions. The vast majority of these reunions have been monumentally positive experiences for the individuals involved, and in no case has a pair of twins reported that they wish the reunion had not happened. This is not to say that there has never been any emotional turmoil; there has been in some cases. I should mention that my own experience with these twins has resulted in a dramatic change in attitude on my part regarding the ethics of facilitating such reunions. Prior to carrying out research, I would have, at best, been more neutral to the idea.

There is no doubt in my mind about the great value of this registry. As Senator Levin points out, a national registry operated by the Department of Health and Human Services would be far more effective and would be a sensible and humane solution to a difficult problem.

I strongly support the passage of this bill. It strikes me as just the kind of activity in which the federal government should participate. It involves an activity that neither individuals nor individual states can carry out in any effective manner. Participation in this activity is voluntary, and reasonable fees for the service should cover most of the expenses. In addition, such a registry would meet a real human need.

Mr. President, this legislation is based on tested principles. It is similar to the reunion and matching registries that presently exists in 19 States and has been used by various adoptee-birthparent groups, for example, Jean Paton's Orphan Voyage, of Cedaredge, CO; Emma Vilardi's International Soundex Reunion Registry, of Carson City, NV; the Adoption Connection headed by Susan Darke, of Peabody, MA; and Search Triad, Inc., of Litch-

field, AZ, headed by Karen Tinkham. These organizations support this legislation because a National Voluntary Reunion Registry system under Federal supervision would, on a far more comprehensive basis inform, coordinate, and expedite the reunions of those persons who mutually wish to be reunited. More importantly, it would insure the necessary confidentiality of the clearinghouse and lessen the time, money, and frustration presently incurred by all persons desiring to find each other.

If either the birthparent or adoptee, siblings, or other birth relative do not seek to know the identity of the other—so be it. But if both want reunion, why not facilitate it. In an age of rootlessness, the search for knowledge of one's own identity certainly should not be squelched now by the simple absence of a National Voluntary Reunion Registry.

I ask unanimous consent that a letter from Luthern Social Services of Texas, Inc., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LUTHERAN SOCIAL SERVICE
OF TEXAS, INC.,
December 17, 1987.

HON. CARL LEVIN,
U.S. Senate, Russell Building,
Washington, DC.

DEAR SENATOR LEVIN: I applaud and support your continued efforts to establish a National Voluntary Reunion Registry designed to facilitate contact between adult adoptees and their birthparents, and separated siblings. This is a necessary bill which would validate the real needs of adopted adults and birthparents. It is estimated that there are 5-8 million adopted persons in the United States. A large segment of this population is currently in active search. The largest proportion of our callers are persons seeking contact with original family. This has been consistent for all seven years of our program.

I am the Coordinator of the Adoption Awareness Center, the post adoption component of Lutheran Social Service of Texas (LSST), a state wide agency providing adoption related services to all triad members. The Adoption Awareness Center is one of the oldest agency affiliated post adoption programs in the country, having been established in 1980 to provide services beyond the point of original adoption. As such, we are plugged into a nationwide network of search and support organizations, offering direct search assistance ourselves.

We advocate a national registry, unencumbered with blocking requirements. An example of elements within such a desirable registry would be found in the now existing International Soundex Reunion Registry.

It is our philosophy that the adult adoptees and birthparents wishing contact should have a vehicle for this. Thus a national registry endorsed and publicized by our government would be a major step in facilitating this.

The age of majority that we use in our direct services is 18. Thus, we propose that this age be considered within your bill.

Our experience in the area of search has consistently demonstrated that the need for contact is a core issue for persons involved with adoption. Acting upon this need is determined by personal timing. We have found that well over 95 percent of the birthparents we have approached have been open to contact with their children. These birthparents do not wish to intrude but rather make themselves available. Adopted persons are very protective of the needs of their birthparents and seek them out to fulfill identity needs and other core issues in adoption. Adoptive parents also approach us for assistance in contacting the birthparents of their children. We are experiencing an increase, even when their children are teenagers, of these requests. Our agency has been an active advocate for open adoption, receiving recognition for this practice on a nationwide basis. Publicity about this philosophy and practice has led a large number of persons to seek out our services for search and contact.

Thank you for your understanding of adoption dynamics and for exerting the effort to have this bill become law.

I would like to share with you that I am an adoptive parent of two children, ages 7 and 9, and that we have contact with their birthparents. Even at these tender ages, there has been a need to deal with the realities of adoption. Being able to do this, has been highly positive and confirming for all of us.

Please feel free to contact me if I can be of assistance in your efforts.

Sincerely,

PATRICIA DORNER, MA, L.P.C.

Mr. LEVIN of Michigan. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. PURPOSE.

The purpose of this Act is to provide for the establishment of a demonstration program which shall facilitate on a voluntary mutual request basis, the reunion of biological parents and adoptees, biological siblings or other biological relatives of adoptees, through a centralized computer network.

SEC. 2. DUTIES OF THE SECRETARY.

(a) The Secretary of Health and Human Services (hereinafter referred to as the "Secretary") is authorized, in accordance with the provisions of this Act, to establish, by contract with public or private nonprofit agencies or organizations, a National Voluntary Reunion Registry System.

(b) The Secretary shall submit to the Congress an annual report of all activities carried out under this Act. The report shall include the following:

(1) The number, nature, recipients, and amounts of contracts entered into under this Act.

(2) The total amount of fees collected.

(3) The number of applications submitted by biological parents, adoptees, siblings, or other biological relatives.

(4) The number of searches ending in a succesful match.

SEC. 3. VOLUNTARY REUNION REGISTRY.

(a) The National Voluntary Reunion Registry authorized under this Act shall provide a centralized nationwide capacity, utilizing computer and data processing methods. Participation in the registry shall be voluntary by all parties involved.

(b)(1) The registry authorized under this Act shall provide that—

(A) a biological parent, or an adoptee over the age of 21 may initiate the matching process by submitting an application to the agency or organization operating the system; and

(B) a sibling or other biological relative of an adoptee may also initiate the matching process whenever—

(i) the biological parent of an adoptee is deceased or his or her whereabouts is unknown;

(ii) the biological parent of an adoptee has consented in writing to the initiation of the matching process; or

(iii) under such other circumstances as the Secretary may determine to be appropriate after taking into consideration the privacy rights and interest of all parties who may be affected.

(2) The Secretary shall establish specific procedures for the purpose of, to the maximum extent feasible, protecting the confidentiality and privacy rights and interests of all parties participating in the program authorized by this Act.

(3) Records pertaining to any individual which are maintained in connection with any carried out activity under this Act shall be confidential and not be disclosed for any purpose without the prior written, informed consent of the individual with respect to whom such record is maintained.

(4) Reasonable fees, established by taking into consideration the costs of services provided for individuals under this Act and the income of such individuals, shall be collected for all services provided under this Act.

(c) The National Voluntary Reunion Registry may include the operation of a similar statewide identification computer system in a State which chooses to participate in the voluntary reunion registry and agrees to provide—

(1) provide necessary coordination with the voluntary identification system provided for in subsection (a) of this section;

(2) provide such financial participation as the Secretary may prescribe by the State; and

(3) establish standards and procedures for the operation of the statewide system which are consistent with those provided for in this Act.

SEC. 4. COUNSELING SERVICES.

The National Reunion Registry established under this Act may include referral to existing programs that provide counseling services.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $300,000 for the fiscal year 1988, and such sums as may be necessary for each of the succeeding 2 fiscal years.

Mr. DOLE. Mr. President, I am pleased to cosponsor the national voluntary reunion registry bill introduced by Senator CARL LEVIN. This bill goes a long way toward humanizing the adoption process by making it easier for adopted children and their biological parents to reunite. Unfortunately, few means currently exist to help adoptees and their families maintain their genetic heritage. Senator LEVIN's bill will help address that need for

contact at very little cost through the creation of a national clearinghouse to match biological relatives on a voluntary mutual request basis.

Besides the obvious innate human desire to know one's family roots and genetic heritage, there are other important reasons for facilitating communication between adoptees and their birth families. Many of the mental and physical illnesses that plague our society, from alcoholism to sickle cell anemia, have possible genetic links. Adoptees must have access to their genetic history in order to receive the full benefit of modern medicine and to make well-informed decisions about personal health and family. In addition, biological relatives are often the only feasible resource for life-saving procedures such as organ transplants.

The few State matching programs in existence do not adequately serve the needs of biological relatives separated by the adoptive process who wish to reunite, especially when a State boundary must be crossed. This bill will create a centralized interstate computer network, making it possible for relatives to be accessible to one another, should they so desire. The program does not provide access to closed files, nor does it make possible the matching of parties when only one party is searching. Only certain individuals may initiate a search, and all records are confidential and will only be released upon the informed, written consent of the subject of the record.

I believe adopted children need an alternative to spending a lifetime with altered or censored family histories. This clearinghouse will cost less than $300,000 in its initial year and substantially decreased amounts in following years as reasonable fees are collected from applicants. It provides welcome hope to those who feel the very human desire to be reunited with lost family members, and it will reduce some of the mystery and isolation created by the adoption process.

Mr. ADAMS. Mr. President, I am proud to rise as a cosponsor of this legislation which will facilitate the ability of adult adoptees and their birth parents to locate each other through the creation of national adoption registry.

The concept of contact between adult adoptees and their birth parents is an emotional one. There are those who argue that such contact constitutes a violation of the privacy rights of both birth parents and adoptees as well as being a threat to the parental rights of the adopting family. There are also those who argue that the right of adult adoptees to get some level of information about their birth parents is absolute. This legislation goes to neither extreme. It is a sensitive response to the needs and desires of all parties. It balances the right that all of us have to privacy with the understandable desire that all human beings have to know more about who they are and where they come from.

The distinguishing characteristic of this legislation is simple: It establishes a national registry in which, upon request, the names of birth parents and adult adoptees are placed. The existence of such a registry allows for the possibility of matching adult adoptees and birth parents and allowing them to contact each other if they desire to do so. While the legislation establishes a national registry, names of adult adoptees and birth parents are placed in the registry only if the parties request that they become a part of the system. As a result, matches made through the registry require the mutual and voluntary consent of both the adult adoptees and the birth parents.

This bill does not—does not—create open records. This bill does not—does not—create a situation in which unwilling contact is possible. All this bill does is facilitate the possibility of contact if, and only if, both adult adoptee and birth parent make an active effort to allow that contact to take place. Each party must voluntarily place their names in the registry and, as a result, a match can only be made if both parties desire it.

Mr. President, this legislation does nothing more than respond to reality. There are similar voluntary registries in some States and the experience we have had with them proves that the system does protect the rights of all parties. Unfortunately, such State-based systems are restricted, by nature, to the geographic boundaries of the State; since we are a mobile society, that limitation reduces the utility of State-based system. In addition, Mr. President, the plain truth is that without a national registry, both adult adoptees and birth parents are engaged in private searches for each other—searches which do not recognize the privacy rights of the other party. It is my hope that the failure of one party to indicate a willingness for contact by placing their name on the registry will discourage such freelance searches and, as a result, help protect all parties from contact which they may not desire.

Let me conclude these remarks, Mr. President, by paying a special tribute to Senator LEVIN and his staff. I know that they have been working on this legislation for close to 10 years now. I am absolutely convinced that the opposition to this legislation is based on a failure to understand the extraordinary protections which have been built into it. And I am also absolutely convinced that when this legislation is adopted—as I hope it will be—adult adoptees and birth parents and everyone who cares about this issue, will applaud the Senator for Michigan and his staff for their persistence, their dedication, and the creative and responsible way in which they have addressed this issue.

Mr. D'AMATO. Mr. President, I am pleased to join my distinguished colleague from Michigan, Senator LEVIN, as an original cosponsor of legislation to facilitate the reunions of those adult adoptees, birth parents, and separated siblings who are seeking to find one another. Our bill would accomplish this by establishing a national adoption reunion registry.

The need for this legislation is great. There are presently millions of long-separated adoptees and birth parents who wish to be reunited. Studies have shown that four out of five birth parents desire a reunion with their adopted children. Experience with State registries indicates that a similar percentage of adult adoptees wish to make contact with their biological parents. In addition, there are scores of adult siblings who, separated from their brothers or sisters in early childhood, now seek to be reunited.

Unfortunately, identifying and locating a separated birth parent, child, or sibling can be a costly, time consuming, and frustrating endeavor. Our legislation would greatly streamline this process by enabling interested parties to voluntarily find one another through a centralized reunion registry. At the same time, our proposal would respect the privacy of those who wish to remain anonymous. I believe that this approach represents a careful and sensible way to address the needs and interests of all parties involved. I encourage my colleagues to join me in support of this humane legislation.

Thank you, Mr. President.

Mr. BREAUX. Mr. President, many Americans desperately search for years and sometimes for decades at great economic expense to find their biological parents, siblings, or children. The problems associated in the search for lost relatives are unfortunate and often times unnecessary. Fortunately, however, the pains associated with the search for a lost family member are replaced by the joys of being reunited.

Several States, including Louisiana, have made admirable attempts to facilitate the reunion of those who have been separated from their relatives. Many of these reunions occur as a result of a State-by-State registry. Every State does not have a registry, thus, gaps exist that have prevented the establishment of a comprehensive national registry.

Today I am pleased to be part of an effort that will attempt to facilitate the reunion of perhaps thousands of Americans who have lost track of family members. This effort includes the establishment of a 3 year demonstration project through which biological parents and adult adoptees, and

biological siblings, may voluntarily find each other through a centralized system. By this system individuals may make contact with the center independently in order to facilitate the reunion.

The registry is designed to fall under the control of the Secretary of the Department of Health and Human Services. The Secretary would be authorized to create, by contract with public of private nonprofit agencies or organizations, a computerized clearinghouse system to facilitate reunions. There will, of course, be protections to prohibit the information from being used for unintended purposes.

The cost of the program will be minimal for the first year of operation. Thereafter, the cost will be absorbed by a reasonable fee paid by the applicants.

The National Adoption Registry is a needed and vital catalyst to resolving the problems associated with the search of a lost relative. I respectfully ask that my colleagues join me by supporting this important legislation.

Mr. CHAFEE. Mr. President, today I join Mr. LEVIN and several other of my distinguished colleagues in introducing a bill to create a National Voluntary Reunion Registry to assist birth parents, adoptees, and siblings in their search for each other.

This measure that we introduce today will establish a 3 year demonstration project in which biological parents, adult adoptees, and biological siblings may voluntarily find each other through a centralized network. All parties would have to, on their own, voluntarily enter the system. The National Voluntary Reunion Registry would not search for one party at the request of another.

The registry will be developed by the Secretary of Health and Human Services, who through contract with public or private nonprofit agencies will create a computerized clearinghouse system to facilitate a match of requests. The bill contains provisions making it unlawful for information contained in the clearinghouse to be disclosed for unintended purposes.

Because it will be strictly voluntary, this registry will not result in unwelcome or unexpected reunions. In order to reunite an adoptee and his or her birth parent, each must independently contact the registry. It is only when on this independent basis a match is made that a reunion can be facilitated.

Adoption, by definition, is an emotional issue. Some birth parents wish to leave their past behind them, for a number of valid reasons. Some adoptees as well, do not wish to find their birth parent. These wishes are the right of the individuals involved, and we should hold that right in the highest regard.

Yet, the pain and frustration of many adoptees and birth parents is that they do seek each other and are blocked every step of the way by the State laws that assume they wish to remain unknown. If there were any way we could protect the rights of those who wished to remain anonymous, as well as help those who want to be together once again, we should undoubtedly pursue it.

A National Voluntary Registry will create the balance of rights we need. In addition, it will enable families to reunite even if they live on different coasts. As an increasing number of adoptions are made on an out-of-State basis, this is an important factor. State-created registries cannot fulfill this need.

The cost of this clearinghouse and registry is expected to be about $300,000 in the first year, and future costs are to be offset by reasonable fees paid by registrants. It is a small cost to pay to enable dreams of reunions to become reality.

There are many viable reasons birthparents seek their adopted offspring, and just as many viable reasons adoptees seek their biological parents. The news is full of accounts of the long and frustrating searches of people who want nothing more than to know their roots—or their genetic background. I am aware of cases where natural parents were sought to provide organs for transplants for their adopted children. Siblings who were separated at birth conduct their searches with hopes, not of disturbing ghosts of the past, but of establishing familial bonds that were broken because of circumstances of adoptive placement. It could only be a positive result when two people's mutual wish to meet again is made possible because of a simple clearinghouse.

In the spirit of the season, and in support of those who have been searching for a long time—I urge my colleagues to join me in cosponsoring this measure.

Mr. HARKIN. Mr. President, as citizens of a country which prides itself as a melting pot of cultures, many of us are fascinated with our heritage. Iowa, not unlike most other States, is inhabited by a vast array of persons from different backgrounds. I believe many of us gain a sense of pride and a sense of who we are by knowing who our ancestors were. Yet, there are some who do not know the identity of their parents. While I was fortunate to know my parents and my siblings, I am concerned about the many Americans who did not have this opportunity. I am pleased to support Senator LEVIN's bill today which establishes a Voluntary Reunion Registry.

For understandable reasons, our current law protects from inspection the birth records of adoptive children. However, for those cases in which both parties want to find the other, this legislation establishes a system through which biological parents, adult adoptees and separated siblings can locate one another. In order to facilitate a reunion, however, both parties must voluntarily seek this information. Thus, the rights of those individuals who wish to maintain their anonymity are protected.

I want to thank Senator LEVIN for introducing this legislation. I hope this Congress will act swiftly to enact it, thus helping individuals in the search for their families.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. THURMOND, Mr. SPECTER, Mr. MELCHER, Mr. BURDICK, and Mr. HECHT).

S. 2011. A bill to increase the rates of Veterans' Administration compensation for veterans with service-connected disabilities and dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am today introducing S. 2011, the proposed Veterans' Compensation Cost-of-Living Adjustment Act of 1988. Joining me as original cosponsors of this measure are the committee's ranking minority member, Senator MURKOWSKI, six other committee members, Senators MATSUNAGA, DECONCINI, ROCKEFELLER, SIMPSON, THURMOND, and SPECTER, and Senators MELCHER, BURDICK, and HECHT.

This bill would provide for a fiscal year 1989 cost-of-living adjustment [COLA] in the rates of compensation paid to veterans with service-connected disabilities and the rates of dependency and indemnity compensation [DIC] paid to the survivors of those who die from service-connected causes. This COLA, which would take effect on December 1, 1988, would be the same percentage as the COLA which will automatically be provided for Social Security and VA pension benefits effective on that same date. According to the most recent—August 1987—projection of the Congressional Budget Office [CBO], the Social Security/VA pension increase will be 5.3 percent. By virtue of Public Law 100-227, enacted on December 31, 1987, the Congress recently provided for a 4.2-percent COLA in the compensation/DIC rates, effective December 1, 1987.

Mr. President, the VA's service-connected compensation program lies at the heart of our system of veterans' benefits. The Committee on Veterans' Affairs has consistently attached the highest priority to the needs of veterans with service-connected disabilities and the survivors of those who have

made the final sacrifice. My No. 1 priority in veterans' affairs is meeting the needs of the more than 2.2 million veterans who suffer from disabilities resulting from their service and the more than 310,000 survivors of those who died from service-connected causes.

The disability compensation program provides cash benefits to veterans who have suffered disabilities in the line of duty during active service in our Nation's Armed Forces. The amount paid in individual instances is contingent upon the nature of the veteran's disability or combination of disabilities, the extent to which earning capacity is considered to have been impaired, and the veteran's family status. Compensable disabilities are rated according to the VA's Schedule for Rating Disabilities on a graduated schedule ranging from 10 to 100 percent. Higher monthly rates are payable to totally disabled veterans with certain severe disabilities and combinations of disabilities. A veteran whose disability is rated at 30 percent or more may receive additional compensation for the veteran's spouse, children, and dependent parents. These dependents' allowances are prorated according to the percentage of disability.

As of September 1987, the disability compensation program was providing benefits to 2,212,303 veterans who have service-connected disabilities. This number includes disabled veterans with service during the following periods of conflict: 7,894 World War I veterans, 981,534 World War II veterans, 217,743 Korean-conflict veterans, and 623,430 Vietnam-era veterans. Also, as of September 1987, 674,922 veterans were receiving additional compensation for 1,048,780 dependents.

Mr. President, DIC is paid to the survivors—surviving spouses, unmarried children under the age of 18 and certain children age 18 and over, and certain needy parents—of servicemembers or veterans who died on or after January 1, 1957, from a disease or injury incurred or aggravated in the line of duty during active service.

DIC is paid to surviving spouses at rates determined by the pay grade—service rank—of the deceased veteran. A higher rate is payable if the surviving spouse is so disabled as to be housebound or in need of regular aid and attendance, and additional amounts are payable for the veteran's surviving children. Children become entitled to DIC where there is no surviving spouse, or where a child age 18 or over became permanently incapable of self-support before reaching age 18, or where a child is age 18-23 and pursuing an approved course of education. As of September 1987, DIC benefits were being paid to or for 311,679 surviving spouses and children and 36,086 needy surviving parents. Under section 3112 of title 38, United States Code, the parents' DIC rates are automatically adjusted at the same time and by the same percentage as are Social Security and VA pension benefits.

Assuming a 5.3 percent COLA, CBO advises preliminarily that the cost of our bill would be $471 million in budget authority and $425 million in outlays for fiscal year 1989.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1988".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Administrator of Veterans' Affairs shall, as provided in paragraph (2), increase, effective December 1, 1988, the rate of and limitations on Veterans' Administration disability compensation and dependency and indemnity compensation.

(2)(A) In the case of each of the rates and limitations in sections 314, 315(1), 362, 411, 413, and 414 of title 38, United States Code, that were increased by amendments made by title I of the Veterans' Compensation Cost-of-Living Adjustment Act of 1987 (Public Law 100-227), the Administrator shall further increase such rates and limitations, as in effect on November 30, 1988, by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1988, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Administrator may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1989, the Administrator shall publish in the Federal Register the rates and limitations being increased under this section and the rates and limitations as so increased.

Mr. MURKOWSKI. Mr. President, I am pleased to join in bipartisan cosponsorship of legislation to provide a cost-of-living adjustment [COLA] for the compensation paid to veterans with disabilities which were incurred while they were on active duty. This bill would also provide a COLA in the benefits paid to the survivors of those who die while on active duty or due to a service-connected cause. The COLA would be effective December 1, 1988, and would be the same percentage increase as the COLA paid to the recipients of Social Security benefits effective that same day.

Mr. President, unlike many benefits paid by the Federal Government, veterans' disability compensation is not indexed. If there is an increase in the cost of living, an act of Congress is required to provide an offsetting increase in veterans' disability compensation and survivors' dependency and indemnity compensation.

This requirement for legislation is both a duty and an opportunity for the Congress It is our duty to protect from inflation the compensation received by veterans injured while on active duty and to their survivors. It is also an opportunity for the Congress to reaffirm that we recognize—and will meet—our obligations to those whose service has protected our Nation and the democratic principles for which it stands.

I enthusiastically embrace that opportunity and duty. That is why I am pleased to join with the distinguished chairman of the Committee on Veterans' Affairs, and other Senators, in offering this legislation. That is why I am pleased to urge my colleagues in the Senate to support this bill.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 2012. A bill to amend the title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; referred to the Committee on Veterans' Affairs.

VETERAN CEMETERY PARTNERSHIP ACT

● Mr. CHAFEE. Mr. President, today I am introducing legislation that aims to use existing funds to expand the State Cemetery Grant Program.

The Veterans Cemetery Partnership Act will expand the State Veterans Cemetery Grant Program, in order for State cemeteries to receive Federal grants to defray the cost of up to 50 percent of their expenses for operation, maintenance, and initial equipment.

It also eliminates the $150 plot allowance that the Veterans Administration now pays directly to State veterans cemeteries each time a veteran is buried there—only for those State cemeteries that receive grants under my legislation.

The State Cemetery Grant Program, which was established in 1978, is designed to assist any State in establishing, expanding or improving State-

owned cemeteries for veterans. Currently, States may apply for grants to cover up to 50 percent of these costs, which primarily involve land acquisition and construction.

Unfortunately, the Federal Government cannot realistically assume the full burden of providing veterans cemeteries for all veterans who wish to be buried with their comrades-in-arms. As a result, there are 12 States, including Rhode Island, that do not have a national veterans cemetery, and five more whose national cemeteries are closed to new interments. In addition, there are nine large States whose national cemeteries are too far away from the homes of many veterans and their families. As a result, State veterans cemeteries play a critical role in serving the needs of veterans.

Since the State Cemetery Grant Program was created, only 18 States have applied for 38 grants to establish new cemeteries or expand or improve existing ones. These grant awards have averaged about $600,000.

Many States are reluctant to take advantage of this program because they will not be able to afford the full cost of establishing new cemeteries, and may be forced to abandon or sell State-owned veterans cemeteries because of the inability to maintain them. Thus, there is money left over in the State Cemetery Grant Program budget that we can put to good use.

My bill does not call for the expenditure of any additional funds. Of the funds available to the State Cemetery Grant Program since its inception, almost $4 million has remained unspent. I believe this leftover money should be used to help State veterans cemeteries pay for their operation and maintenance.

Elimination of the plot allowance paid to State veterans cemeteries would consolidate all Federal aid to State cemeteries into one account. Right now, part of the assistance State cemeteries receive come from the State Cemetery Grant Program, while another part, the plot allowances, comes out of the Department of Veterans Benefits—two different offices at the Veterans Administration.

It would also eliminate a technicality in the current law governing the payment of death benefits. At present, this technicality in effect prevents State veterans cemeteries from getting reimbursed for the burial of veterans whose deaths are attributed to service-connected causes.

Perhaps most important, this provision transforms an entitlement into a grant. Although the end result—Federal assistance to State veterans cemeteries—is the same, changing an entitlement into a grant is philosophically very important: It bolsters the Federal-State partnership that was created by the State Cemetery Grant Program. Instead of the Federal Government giving the States a handout, the two are working together to ensure that veterans' needs are met.

In any year that a State does not receive a grant for the maintenance and operation of its veterans cemeteries, it would continue to receive plot allowances from the VA's Department of Veterans Benefits. Burial benefits that are now paid directly to the surviving families of veterans will remain unaffected by my legislation.

The Federal Government stands to benefit from an extension of the State Cemetery Grant Program partnership as well. First, such an extension encourages the States to assume a responsibility that the Federal Government cannot. Second, the States are historically more cost-efficient in their construction and administration of facilities such as veterans benefits. Thus, perhaps the Federal Government would be able to learn something from the States through the Veterans Cemetery Partnership Act.

I believe many veterans have the perception that the Federal Government has forgotten them and their fine service to their country. Perhaps the simplest and most important thing we can do to ensure that veterans are remembered is to provide places where we can go to reflect on their heroism and sacrifice in the name of freedom—places where our veterans will be honored by us forever.

If the Federal Government cannot do this itself, it must ensure that the States are able and willing to provide and maintain these resting places of honor.

I urge all Senators to join me in supporting the Veterans Cemetery Partnership Act.●

ADDITIONAL COSPONSORS

S. 237

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 237, a bill to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government service, and for other purposes.

S. 260

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 260, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 277

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 277, a bill to establish constitutional procedures for the imposition of the sentence of death, and for other purposes.

S. 278

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 278, a bill to amend title 18 to limit the application of the exclusionary rule.

S. 430

At the request of Mr. METZENBAUM, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 430, a bill to amend the Sherman Act regarding retail competition.

S. 465

At the request of Mr. METZENBAUM, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 465, a bill to amend chapter 44, title 18, United States Code, to prohibit the manufacture, importation, sale or possession of firearms, not detectable by metal detection and x-ray systems commonly used at airports in the United States.

S. 762

At the request of Mr. PELL, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 762, a bill to provide for a Voluntary National Service and Education Demonstration Program, and for other purposes.

S. 840

At the request of Mr. THURMOND, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 840, a bill to recognize the organization known as the 82d Airborne Division Association, Incorporated.

S. 936

At the request of Mr. DURENBERGER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 936, a bill to amend title XVIII of the Social Security Act to permit certain individuals with physical or mental impairments to continue medicare coverage at their own expense.

S. 1515

At the request of Mr. HEFLIN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1515, a bill to prohibit injunctive relief, or an award of damages, against a judicial officer for action taken in an official capacity.

S. 1519

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1519, a bill to authorize the President of the United States to award

congressional gold medals to Lawrence Doby and posthumously to Jack Roosevelt Robinson in recognition of their accomplishments in sport and in the advancement of civil rights, and to authorize the Secretary of the Treasury to sell bronze duplicates of those medals.

S. 1731

At the request of Mr. METZENBAUM, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1731, a bill to amend the Job Training Partnership Act to establish a demonstration program employment opportunities for severely disadvantaged youth, and for other purposes.

S. 1888

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1888, a bill to establish national standards for voter registration for Federal elections, and for other purposes.

S. 1942

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1942, a bill to amend title 13, United States Code, to remedy the historic undercount of the poor and minorities in the decennial census of population and to otherwise improve the overall accuracy of the population date collected in the decennial census by directing the use of appropriate statistical adjustment procedures, and for other purposes.

S. 1957

At the request of Mr. MCCAIN, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1957, a bill to re-establish the authority of the Small Business Administration to make disaster assistance loans in the case of economic injury resulting from currency devaluation.

S. 1970

At the request of Mr. THURMOND, the names of the Senator from New Hampshire [Mr. HUMPHREY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 1970, a bill to reform procedures for enforcement of the fourth amendment to the Constitution, for collateral review of criminal judgments, and for the imposition of capital punishments, and for other purposes.

S. 2000

At the request of Mr. CRANSTON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 2000, a bill to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, affectional or sexual orientation, or ethnicity.

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Utah [Mr. HATCH], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 197

At the request of Mr. DOLE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 197, a bill to designate the month of April 1988, as "Prevent-A-Litter Month."

SENATE JOINT RESOLUTION 199

At the request of Mr. BYRD, the names of the Senator from Washington [Mr. ADAMS], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Florida [Mr. CHILES], the Senator from Florida [Mr. GRAHAM], the Senator from North Dakota [Mr. BURDICK], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Joint Resolution 199, a joint resolution to designate the month of May 1988, as "Trauma Awareness Month."

SENATE JOINT RESOLUTION 214

At the request of Mr. LAUTENBERG, the names of the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Arkansas [Mr. PRYOR], the Senator from Massachusetts [Mr. KERRY], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from Mississippi [Mr. STENNIS], the Senator from Illinois [Mr. SIMON], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from North Carolina [Mr. SANFORD], the Senator from Florida [Mr. GRAHAM], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. SASSER], the Senator from North Dakota [Mr. CONRAD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Connecticut [Mr. DODD], the Senator from Wisconsin [Mr. KASTEN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Virginia [Mr. WARNER], the Senator from Idaho [Mr. SYMMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from California [Mr. WILSON], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. GARN], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 214, a joint resolution to designate the week of February 7-13, 1988, as "National Child Passenger Safety Awareness Week."

SENATE JOINT RESOLUTION 215

At the request of Mr. DURENBERGER, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of Senate Joint Resolution 215, a joint resolution to authorize the Vietnam Women's Memorial Project, Inc., to establish a memorial to women of the Armed Forces of the United States who served in the Vietnam war.

SENATE JOINT RESOLUTION 224

At the request of Mr. CHILES, the names of the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. CONRAD], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Utah [Mr. GARN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Pennsylvania [Mr. HEINZ], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Idaho [Mr. MCCLURE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from North Carolina [Mr. SANFORD], the Senator from Tennessee [Mr. SASSER], the Senator from Illinois [Mr. SIMON], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the period commencing on September 5, 1988, and ending on September 11, 1988, as "National School Dropout Prevention Week."

SENATE JOINT RESOLUTION 234

At the request of Mr. THURMOND, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Arkansas [Mr. PRYOR], the Senator from Idaho [Mr. MCCLURE], the Senator from California [Mr. WILSON], the Senator from Tennessee [Mr. GORE], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 234, a joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

SENATE JOINT RESOLUTION 236

At the request of Mr. NICKLES, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Kentucky [Mr. FORD] were added as co-

sponsors of Senate Joint Resolution 236, a joint resolution to designate the week of January 17 through January 23, 1988, as "National Jaycee Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Florida [Mr. GRAHAM], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Joint Resolution 237, a joint resolution to designate May 1988, as "Neurofibromatosis Awareness Month."

SENATE CONCURRENT RESOLUTION 97—COMMENDING THE ADMINISTRATION FOR RELIEF EFFORTS ON BEHALF OF ETHIOPIA AND SUB-SAHARAN AFRICA

Mr. ADAMS (for himself and Mr. STAFFORD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 97

Whereas in excess of 5,000,000 people in Ethiopia will need emergency food assistance during 1988;

Whereas additional millions of people in other nations of sub-Saharan Africa will need emergency food assistance during 1988;

Whereas the United States Government and United States private and voluntary organizations have taken a leading role in responding to the food emergencies in Ethiopia and across Africa during the past four years, and were instrumental in saving the lives of several million people; and

Whereas the humanitarian traditions of the American people are best represented by a generous, effective response to the present emergency food needs in Africa without regard to politics: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the President, the Secretary of State and the Administrator of the Agency for International Development for their efficient and timely response to the drought and the growing food emergency in Ethiopia and other affected nations of sub-Saharan Africa;

(2) encourages the President, the Secretary of State, and the Administrator of the Agency for International Development to continue and extend all efforts deemed appropriate to preclude the onset of famine in the drought-affected regions of Ethiopia and other sub-Saharan African nations;

(3) in particular urges the President, the Secretary of State, and the Administrator of the Agency for International Development to pursue all appropriate means to ensure the timely delivery of medical supplies and other essential life-saving emergency relief supplies needed to prevent the unnecessary loss of life;

(4) declares that the United States Government response to these food emergencies in sub-Saharan Africa should include all appropriate initiatives to prevent the dislocation of large numbers of persons across national borders and/or into relief camps; and

(5) further declares that the plight of those who have become refugees or have otherwise been displaced as a result of drought, civil strife, or regional conflict in sub-Saharan Africa should be addressed with an emphasis on ensuring the provision of basic human needs, including food, water, shelter, clothing, tools, and seeds.

● Mr. ADAMS. Mr. President, along with Senator STAFFORD, I am submitting legislation which commends the President, Secretary of State, and the Administrator of the Agency for International Development [USAID] for the effective relief efforts they have already undertaken to support the people of Ethiopia and sub-Saharan Africa, and encourages them to continue and extend all efforts deemed appropriate to preclude the onset of famine in these nations.

The nations of the world are once again called upon to assist people who are in need of the bare essentials of life. For the second time in this decade, the rains have failed to fall on many of the African nations, most particularly Ethiopia. The drought is expected to affect about 5 million people in a country with a population of nearly 43 million.

There are many factors which have allowed the United States, in conjunction with the international community, to respond much more effectively to this crisis than the one which struck Ethiopia just 5 years ago. The Ethiopian Government has shown encouraging signs that it wishes to deal with this drought situation before it turns into a devasting famine and all the international relief agencies have been able to agree that 1.3 million metric tons of total food assistance will be required initially.

This resolution acknowledges the work of USAID. They have made a concerted effort to lessen the effects of this drought right from the start, and the Congress ought to do everything we can to encourage them to do all they can in the future. Beyond that, this resolution gives the Congress an excellent opportunity to express our concern for the desperate drought situation in Ethipia and bolster international efforts to continue and expand food aid for the people of this area. To date, USAID has committed to delivering over 247,000 metric tons of cereal and about $7 million in transportation costs. In addition to this, they have allocated $300,000 to the United Nations for their efforts in combating the drought.

As a result of these efforts and others, Ethiopia seems likely to receive adequate quantities of food aid. But receiving food and having the ability to deliver it are two different things. Food delivery remains a serious problem. Shortages of trucks and poor road conditions have restricted the inland distribution of the emergency aid. Ethiopia has fewer vehicles and fewer miles of paved road than any other African country. Only two major paved roads traverse the northern parts of the country which have been hardest hit by the drought.

As difficult as transportation is, the major obstacle affecting emergency food distribution is the internal armed conflicts in the northern part of the country between insurgent movements and the Ethiopian Government. I find the policy of using food as a weapon to be intolerable. The aid donated by the international community is a response to an emergency situation; it is designed to help people, not influence politics. It ought to be treated that way by all parties no matter what their political agenda may be. No legitimate purpose can be achieved by using starvation as a means to achieve a political end.

I encourage USAID and all other relief agencies to continue their work in Ethiopia to overcome the difficult situation which the current drought has brought to the area. I also want to encourage my colleagues to join me in this expression of the Congress that we will do everything possible to ensure that hungry people—wherever they are, whoever their leaders may be—do not starve.●

SENATE RESOLUTION 356—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. PELL, from the Committee on Foreign Relations, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 356

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1988, through February 28, 1989, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $2,438,915, of which amount (1) not to exceed $45,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff

of such committee (under procedures specified by section 202(j) of such act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1989.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate, or for the payment of long distance phone calls.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1988, through February 28, 1989, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

AMENDMENTS SUBMITTED

CIVIL RIGHTS RESTORATION ACT

SYMMS AMENDMENT NO. 1381

Mr. SYMMS proposed an amendment to the bill (S. 557) to restore the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964; as follows:

SEC. . (a) The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade A contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

(c) The provisions of subsection (a) of this section shall take effect one day after enactment.

NICKLES AMENDMENT NO. 1382

Mr. NICKLES proposed an amendment to amendment No. 1381 proposed by Mr. SYMMS of the bill S. 557, supra; as follows:

Strike all after "(a)" the first time it appears and insert in lieu thereof the following: The third proviso under the heading "Federal Communications Commission" and the sub-heading "Salaries and Expenses" in title V of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1988, as enacted by Public Law 100-202, and which reads as follows, is repealed: "*Provided further*, That none of the funds appropriated by this Act or any other Act may be used to repeal, to retroactively apply changes in, or to begin or continue a reexamination of the rules of the Federal Communications Commission with respect to the common ownership of a daily newspaper and a television station where the grade a contour of the television station encompasses the entire community in which the newspaper is published, or to extend the time period of current grants of temporary waivers to achieve compliance with such rules:".

(b)(1) The Senate finds:

(A) that there remain serious First Amendment questions concerning the constitutionality of the aforementioned proviso in Public Law 100-202 repealed by subsection (a) of this section; and

(B) that procedures surrounding the passage of such proviso arguably constitute a violation of the Senate rules and did in fact fail to give the Senate the opportunity to adequately consider the legal and constitutional implications of its actions;

(C) that it is critical that no action be taken which would irreparably change the status of any party until the 100th Congress has finally determined whether or not it wishes to repeal the language proposed to be repealed by this section.

(2) It is therefore the sense of the Senate that the Federal Communications Commission should take no action which would irreparably prejudice the position of any party with respect to issues relating to the material proposed to be repealed by this section until the 100th Congress has made a determination of whether that material should be repealed.

(c) The provisions of subsection (a) of this section shall take effect one day after enactment.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, January 26, 1988, beginning at 2:00 p.m. in Senate Russell 485, to consider the committee's fiscal year 1988 budget, and for other purposes.

Those wishing additional information should contact the committee at 224-2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Drug Trafficking and Money Laundering.

These hearings will take place on Thursday, January 28, 1988 at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee staff at 224-9157.

SUBCOMMITTEE ON NUTRITION AND INVESTIGATIONS

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Nutrition and Investigations of the Committee on Agriculture, Nutrition, and Forestry will hold a field hearing on USDA food assistance programs. The hearing will be held on January 30, 1988 at 9 a.m. at Kennedy High School Auditorium, Cedar Rapids, IA.

Senator TOM HARKIN will preside. For further information please contact Bob Andros of Senator HARKIN's office at 224-3254.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs, be authorized to meet during the session of the Senate on Tuesday, January 26, 1988 at 2 p.m., to hold a business meeting to consider the committee's fiscal year 1988 budget, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE CHEROKEE COMMUNITY SCHOOL

● Mr. PELL. Mr. President, in December the Senate overwhelmingly approved the Robert T. Stafford Elementary and Secondary Education Improvement Act. Woven throughout every title of this legislation are provisions which encourage innovation and creativity. This theme is central to the effectiveness of schools and schooling, for it is in trying out new ideas that we expand our thinking of what might be accomplished in a school building. In that regard, I would like to draw attention to a creative use of school facilities which I believe could serve as a model for many other schools nation-

wide. That school is the Cherokee Community School in Phoenix, AZ.

This public school operates a regular school program during the day. After school, however, the school is turned over to a private operation which offers students and the entire community a wide variety of enrichment classes. These classes include acting, ballet, beginning Spanish, desert survival, crafts, sports, and native American history, to mention but a few. Tuition is charged for each class, and is determined by teachers' salaries, class materials, district rental, liability insurance and janitorial services. Any resulting profit is donated to the school.

I would like to applaud the work of the Cherokee Community School Committee for developing and implementing this program. Their hard work has resulted in a better use of school facilities. By making use of the school building after regular school hours, they have taken advantage of the resource of the school facilities at no additional cost to the school. In so doing, they are able to offer a rich selection of additional classes to students which add dimension and depth to their educational package.

This school, I believe, serves as a powerful example of what might be accomplished by breaking free of the traditional concept of school use. I would hope that this may serve as a model for adoption by other schools, and in addition encourage other innovative ideas in education.●

NEWPORT, RI, A CAPITAL FOR CROQUET

● Mr. PELL. Mr. President, I would like to share with my colleagues news of a new national event in Newport, RI. Internationally renowned for many sporting events, including tennis and yachting, the City by the Sea has added yet another attraction.

Last September, the famous Newport Casino was the site of the first National Croquet Championship ever to be held in New England. The Newport Casino, by the way, may prove to be the home of the earliest known organized croquet club in the world.

The claim is supported by a reference, published in 1865, to "Croquet as played by the Newport Croquet Club" which strongly suggests that the organization of that club predates the establishment of the earliest known Croquet Club in England in 1865.

The U.S. Croquet Association's New England Regional Championships have been held, since their inception in 1982, in Newport. Last year, for the first time, the Newport Croquet Club joined with the Newport Casino Croquet Club and the USCA to stage the national championships in Newport.

I would like to congratulate everyone involved in staging the successful championships and, in addition, I would like to echo the hope expressed by USCA President Jack R. Osborn that the championships "will continue to be invited to return to this delightful City by the Sea."●

"MOSAIC" PROJECT CAPTURES FLORIDA'S JEWISH HISTORY

● Mr. CHILES. Mr. President, I would like to bring to the attention of my colleagues an important and creative project that is currently being undertaken in the State of Florida.

It is called "Mosaic: Jewish Life in Florida," a project to recognize, renew, and celebrate the kinship to the Jewish ancestors who helped forge Florida's history.

The history of Jews in Florida, and their impact on the development of the State, is significant. In one century, south Florida has grown into one of the largest Jewish metropolitan areas in the United States.

"Mosaic" is the first comprehensive study of Florida's Jewish citizenry and their very significant contribution to the development and history of Florida.

It is an exhibition to depict the Jewish experience in the State of Florida from 1763 to 1990. Communities all across the State will participate by assembling one "tile" of the mosaic. These tiles will consist of artifacts and memorabillia reflecting historic moments of the Jewish experience in Florida.

Materials for the tiles include: early-era clothing and household items; religious ceremonial objects; property deeds to early Jewish businesses; minutes from synagogue meetings from early years; early newspaper articles about Jewish events; artwork from homes and synagogues; family trees of early residents, and much more.

With these kinds of artifacts, communities will construct their tiles. The tiles will be put together to make up the mosaic, showing the evolution of Florida Jewish communities across the State. In 1990, when the assembly of the mosaic is complete, the exhibition will formally open and travel the State for 2 years.

Memorabillia for the exhibit date back to 1763, when three Jewish men, fearing religious persecution in Spanish Louisiana, settled in Pensacola and opened businesses. Other items will be as current as 1990, when the exhibit officially opens.

Mr. President, "Mosaic" is an exciting and important undertaking because Jews have played such a significant and colorful role in the history of Florida. They include David Levy, who helped draft Florida's first constitution and was the first Jewish citizen to serve in the U.S. Senate in 1845, and Morris Dzailynzki, who was mayor of Jacksonville in the early 1880's.

With communities all across the country evolving and transforming so rapidly, we have a tendency to look solely to the future and ignore the past. But each of us forges a new link in history.

"Mosaic: Jewish Life in Florida" is a project that allows us to recognize and renew our past, to cultivate our history and unite generation to generation. And perhaps most importantly, it encourages us to use the treasury of our past to build our future.●

THE URANIUM ENRICHMENT ENTERPRISE DEBT OWED TO THE FEDERAL GOVERNMENT

● Mr. HUMPHREY. Mr. President, soon the Senate may be asked to consider legislation relating to the Department of Energy's [DOE] Uranium Enrichment Program. An article in the September 12 National Journal, "Over-Enriched," provides an excellent analysis of issues which will confront the Senate when we consider enrichment legislation.

S. 1846, the Uranium Revitalization Tailings Reclamation and Enrichment Act of 1987, is now pending on the Senate calendar. The bill contains several objectionable provisions. The most outrageous of these would allow the Government's Uranium Enrichment Program to shirk over $8 billion in debt owed to the U.S. Treasury. Whereas the General Accounting Office estimates that DOE owes the Treasury $8.8 billion in unrecovered costs for its Uranium Enrichment Program, S. 1846 magically declares that debt to be just $364 million. I believe that this massive write off can and should be avoided.

Mr. President, I ask that the article "Over-Enriched" from the National Journal, be printed in the RECORD. I urge my colleagues to read this article before making a multibillion dollar mistake.

The article follows:

[From the National Journal, Sept. 12, 1987]

OVER-ENRICHED

(By Carol Matlack)

Lee Iacocca, you're not gonna believe this. The Senate is gearing up to vote on the biggest industrial bailout in U.S. history, and hardly anybody has noticed.

This legislation could cost the Treasury upwards of $8 billion, more than five times what the federal government lent Chrysler Corp. in 1980. And get this, Lee—the money doesn't have to be paid back.

The industry is uranium enrichment, the processing of uranium for use as nuclear fuel. This little-known enterprise, currently in the hands of the Energy Department, has been a government monopoly since the 1960s, when three World War II-era processing plants were turned over to civilian government use. As recently as 1977, the department was the western world's sole civilian supplier of enriched uranimum, with a backlog of orders from domestic and foreign

utilities and an ambitious expansion program.

A decade later, the business is a shambles. The United States has lost more than half the world market to foreign competitors and has run up a debt to the Treasury that government analysts put at $8.8 billion. To cut costs, the Energy Department closed one plant in 1985 and mothballed a fourth, unfinished one. More recently, the enterprise has been feeding on itself, selling off its inventory at cut-rate prices. "It's the old joke, 'We're losing money, but making it up in volume,'" said a House aide who has followed the situation.

The inventory will be depleted by next year, and the department's processing costs are so high that it may find few takers if production is cranked back up. Meanwhile, scientists say they've found a cheaper processing method that could save the business, but Energy can't afford to develop it.

The Senate Energy and Natural Resources Committee is expected to vote sometime this fall on legislation to spin off the enrichment business as a government-owned corporation, like Amtrak, and forgive most of its debts. The bill, which has been endorsed by Democratic and Republican committee leaders, is considered likely to pass in the Senate; the House may be more skeptical.

"If Congress fails to act now," the domestic industry "could shut down altogether," said Sen. Wendell H. Ford, D-Ky., chairman of the Energy Research and Development Subcommittee and a chief sponsor of the legislation. Preserving the industry is "a matter of national security," Ford said. In addition to supplying about 90 per cent of the fuel needs of U.S. nuclear plants, the department is the sole source of uranium for the Navy's nuclear fleet. (Weapons-grade uranium is produced under a different program.)

STRATEGIC BLUNDERS

In some respects, the uranium enrichment program was a victim of the down-turn in the civilian nuclear power industry, which left Energy loaded with production capacity and inventory just as foreign competitors were starting to lure customers with lower prices.

But those problems were compounded by strategic blunders that in hindsight, seem astonishing. While utilities were shelving plans for new nuclear plants willy-nilly, Energy was signing contracts obliging it to buy enough electricity to run the enrichment plants at full throttle for many years. When demand slackened, the enterprise was left paying half its annual revenues to the Tennessee Valley Authority (TVA) for unneeded generating capacity, propelling the department toward a politically charged showdown with the government-owned power authority.

Also during the 1970s, Energy invested heavily in a new technology, employing centrifuges that were touted as more economical than the equipment at its World War II-vintage enrichment plants. But the centrifuge technology proved even more expensive, and the department abandoned it in 1985 after investing nearly $3 billion.

By law, the department is supposed to run the enrichment enterprise on a break-even basis. But the General Accounting Office (GAO) and the Office of Management and Budget (OMB) say it has run up its $8.8 billion debt by failing to recoup its full costs from its utility customers. If so, that represents an enormous subsidy to the nuclear industry—and an acute embarrassment to the industry and to the department, which have long maintained that nuclear power pays its own way.

Not surprisingly, utilities contend that the "debt" exists only in the minds of government accountants looking for a gimmick to reduce the deficit. "There is no debt; there never has been a debt," said Loring E. Mills, vice president for nuclear activities at the Edison Electric Institute, the chief trade group of the private power industry. Industry executives also argue that utilities shouldn't be penalized for the department's mistakes.

The proposed Senate legislation essentially accepts that view: It would require the enterprise to repay only $364 million to the Treasury and ignore the remainder. Curiously, no one has gotten very upset.

EVERYBODY WINS

Uranium enrichment is not a sexy industry. Its product is invisible to the public and its three factories are in out-of-the-way places: Paducah, Ky., Oak Ridge, Tenn., and Piketon, Ohio. Discussions about it are heavy with jargon such as "SWUs" (rhymes with "snooze"), short for "separative work units," the standard unit of production.

But there's another reason why the proposed legislation has stirred so little controversy: Almost everyone connected with the industry stands to benefit from it. The Energy Department would get rid of an operation that is giving it fits. Utilities could forget about having to pay off the enterprise's debts, and as a bonus, the government would absorb the cost of decommissioning and cleaning up the enrichment plants when they go out of service. State utility regulators are enthusiastic because lower costs to utilities would mean lower rates for customers. TVA would be taken care of: The proposed government-owned corporation would sell bonds to pay off the disputed electric bills. The enrichment plants would keep running, which pleases Martin Marietta Corp., the contractor that operates them, and the Oil, Chemical and Atomic Workers Union, which represents about half the 6,000 employees. The legislation even helps uranium miners and millers, by imposing higher tariffs on imported uranium and requiring the government and utilities to share the cost of cleaning up uranium mill tailings, a pressing environmental problem in several states.

"They [the bill's sponsors] are saying, 'We'll give you money to go away. We'll just pass it on through to the folks back home,'" said B. Jeanine Hull, a lawyer for the National Taxpayers Union, one of the few groups actively opposing the legislation. "The cost of this legislation is enormous," Hull said, "and all because Sen. Ford is scared that he'll lose Paducah." The Paducah and Piketon enrichment plants are still open; Oak Ridge has not operated since 1985.

DOUBLE WHAMMY

If the enrichment program's woes have escaped public notice in Washington, they're about to hit home, literally, for TVA's three million customers. After complaining for years about huge bills from TVA for unneeded electricity, Energy Department officials announced in July that they would pay only half of what TVA was charging. TVA tried unsuccessfully to block the move, and now the two agencies are girding for battle in the U.S. Court of Claims. Meanwhile, TVA customers are being asked to absorb the lost revenues, in the form of a 6 per cent rate increase to take effect in October.

The dispute has its roots in the late 1960s and early 1970s, when the Energy Department's predecessor agencies contracted with TVA to supply electricity to the Paducah and Oak Ridge plants. Uranium enrichment requires huge amounts of power, and the enrichment enterprise projected that by 1984, it would need 4,485 megawatts—more than enough to supply the District of Columbia on the hottest summer day. That projection far exceeded TVA's generating capacity, but TVA was happy to build more—so long as the government signed "take or pay" contracts promising to pay for the added capacity regardless of whether it was needed.

The nuclear industry's troubles, already evident by the mid-1970s, were a double whammy for the enrichment business. The market for enriched uranium shrank as scores of planned nuclear plants were canceled, and many nuclear plants under construction faced nightmarish cost overruns that raised the cost of the electricity needed to enrich uranium.

TVA officials were well aware of those trends, having scrapped several nuclear projects of their own, and they tried to warn Energy that its projections were out of kilter. But, said Robert CV. Steffy Jr., who heads the TVA power office, "The reaction of DOE [Department of Energy] was, 'We handle the uranium business and you handle the electricity.' . . . DOE as late as 1980 sent us a letter saying they still needed the full amount." When department officials finally asked, in December 1981, to get out of the contracts, they found that tough advance-notice provisions obliged them to keep paying TVA until 1994.

John R. Longenecker, who headed the department's enrichment program from 1983 until this summer, said Energy officials were aware that demand was shrinking but were complacent because TVA initially didn't demand full payment for unused generating capacity. The policy suddenly changed in 1981, he said, when TVA announced that the department's annual bill was rising from $27 million to $120 million.

The department has asserted ever since that TVA is using revenues from the enrichment program to subsidize its other customers and is charging Energy for costs that utilities are not normally allowed to pass along to customers. "They don't see any problem with charging DOE billions of dollars . . . so long as their residential and commercial rates stay down," Longenecker said.

An accounting firm hired by the department reported in June that TVA was overcharging the enrichment program by as much as $350 million annually; a separate study released last month by Milton R. Copulos of the Center for Economic Policy, an affiliate of the Heritage Foundation, arrived at roughly the same figure.

Steffy of TVA said that the department and the studies were wrong. "We set our rates based on our actual costs," he said, adding that "DOE's rates are the same as our other industrial customers'."

TVA has powerful friends in Washington and has gotten remarkably little public criticism of its role in the dispute. In a recent interview, Ford declined to say whether he thought TVA had overcharged the department. The bill he has sponsored would allow the new government corporation to issue bonds and immediately pay off the TVA contracts, no questions asked.

Meanwhile, the planned TVA rate increase is sure to put pressure on Members of

Congress from the Tennessee Valley region to find a solution quickly.

OVERSEAS COMPETITION

Then there is the tricky question of the department's debt to the Treasury. Analysts at the GAO and OMB say that over the past 20 years, Energy and its predecessor agencies should have used enrichment revenues to reimburse the Treasury for the value of the plants and equipment. Instead, revenues were pumped into expansion and improvements while the debt sat on the books, ballooning with interest. "It's like ignoring your mortgage payments and using the money to build an addition on your house," Hull said.

Officials who oversaw the program during those years have left the department, and no one seems able to say why the problem went undetected for so long—and why the enterprise continued to expand while its market shrunk. Longenecker said that until the past few years, "Nobody viewed it as a business. . . . We never did the hard investment analysis." (He left the agency in August, and other Energy officials declined to be interviewed until a replacement has been named.)

When the GAO first reported the debt publicly in 1984, in response to a query from then-Rep. Richard L. Ottinger, D-N.Y., Energy insisted that there was a mistake. But OMB analysts soon seconded the GAO's findings and started pressing the department to raise its prices to recover some of the debt. Under pressure, Energy officials last year imposed a price increase on its customers that would recover $3.5 billion over the next 10 years.

But in trying to repay the debt, Energy runs the risk of pricing itself out of the world market. Two European competitors already are selling enriched uranium at prices considerably lower; Japan is expected to enter the market in a few years, and even the Soviet Union has a sales agent looking for customers in the United States, apparently with little success.

The biggest competitor is Eurodif, a government-owned consortium formed by France and six other countries in the 1970s—ironically, in response to the Energy Department's announcement that it was not accepting new customers because of a backlog of orders. A smaller European consortium, Urenco, is made up of Great Britain, the Netherlands and West Germany. Although Eurodif and Urenco do not publish their prices, department officials estimate that they are selling uranium for $90-$100 per unit. Energy has kept its price at about $120 per unit by cutting back production and selling inventories, but the GAO has estimated that the figure would soar to more than $170 if Energy boosted prices enough to recover the entire debt over 10 years.

Most U.S. utilities still buy from the department, but utility representatives have warned they will switch to foreign suppliers if prices rise. That's not an immediate threat; both Eurodif and Urenco say they won't have enough capacity to serve new customers for several years, and most observers think that U.S. utilities will balk at defecting to Soviet suppliers.

Some Members of Congress have suggested requiring U.S. utilities to "buy American," but that's considered a politically unpalatable solution that would drive away foreign customers who still account for about a third of the department's business.

AVLIS TO THE RESCUE?

For all the depressing news about the enrichment program, there is one encouraging development. Virtually everyone familiar with the program agrees that Energy could dramatically improve its competitive situation by switching to a new technology, called atomic vapor laser isotope separation (AVLIS) under development at the Lawrence Livermore national laboratories in California. AVLIS has performed well in tests; Longenecker estimated that it could reduce production costs to about $60 per unit and be ready for full-scale production by the mid-1990s. France and Japan are developing a similar process, but the United States is believed to be several years ahead.

But the department, with its enrichment revenues consumed by huge electric bills and debt payments, has nothing left for AVLIS. It has provided modest sums for research and development, but for the past two fiscal years, its budget request was cut to zero by the Administration.

Congress restored barely enough to keep the project alive, and there is little hope that it will approve a full-scale production facility. Part of the appeal of a new, debt-free corporation is that it could invest in AVLIS.

The Reagan Administration has sent ambiguous signals on the legislation. The department has endorsed the idea of a government corporation, although many Administration officials eventually would like to see the program placed entirely in private hands. But the Administration may choke on some sweeteners in the bill, especially tariffs on important uranium.

From the National Taxpayers Union's perspective, the proposal is worse than privatization. Hull said the bill would create "an unlimited draw on the Treasury" because, if the corporation didn't break even, it could rely on government subsidies as Amtrak has.

Ford acknowledged that there was no guarantee that the business could be run profitably. But, he said, "I'm optimistic enough to say it will work."●

AN ENCOURAGING EMPHASIS UPON EDUCATION

● Mr. PELL. Mr. President, over the past few weeks, it has been most encouraging to see Governor after Governor place education as one of their highest priorities, if not their highest priority for the coming year.

My home State of Rhode Island is no exception. In schools throughout Rhode Island, change has been evident. As a result, we have expanded vocational education offerings, new adult literacy programs, innovative dropout prevention projects, and pilot programs in early childhood education—just to mention a very few of the new efforts underway in Rhode Island schools.

I am equally proud of the new proposals which Gov. Edward DiPrete, in his state of the State message to our general assembly, set forth to strengthen further the remarkable gains secured over the past several years.

These new efforts include mandating kindergarten for all 5-year-olds in Rhode Island, the establishment of Governor's schools to test new and innovative strategies for early childhood education, and movement to a 60-percent State and 40-percent local funding formula for elementary and secondary education. The commitment to increase funding is something that should be highlighted, for it is an encouraging sign for education and one that we certainly should not lose sight of at the national level.

In higher education, the Governor's proposals are equally as sweeping and important. They include inauguration of a satellite nursing program on Aquidneck Island and the establishment of tax credits for those families saving for a college education. This latter proposal is very similar to the one which I have proposed at the national level, and is something that I firmly believe we should pursue.

We at the national level should not ignore what is happening at the State level where education is literally the issue of greatest concern. It should be a strong message for us at the Federal level to commit even more resources to the vitally important education programs we have in place in elementary, secondary, vocational, and postsecondary education. In view of the very severe budgetary constraints placed upon us, this will not be easy. Yet, it is of critical importance, for it is upon the education and character of our people that our future strength and health of our Nation depends.●

INFORMED CONSENT: MONTANA

● Mr. HUMPHREY. Mr. President, women who are faced with an abortion decision must make a serious choice that would affect them for the rest of their lives. Many women experience emotional, psychological, and physical problems as a result of their abortion procedures. No other medical procedure is performed without an appraisal of the risks that are involved. S. 272 and S. 273 will require that abortion providers also provide basic factual information relating to the procedures, risks, and alternatives to abortion. I ask that three letters from Montana in support of this legislation be entered into the CONGRESSIONAL RECORD.

The letters follow:

JUNE 1987.

DEAR SENATOR GORDON HUMPHREY: This is a hard letter for me to write. I am 72 years old. Forty-eight years ago I had an abortion and I have been sorry every day since. I really had no excuse. My husband owned a small business and money was not too short. But peer pressure exerted an influence. I had one darling two-year-old boy.

When I went with friends to another town to a "doctor" to have the abortion it occurred to me at the last second what an awful thing I was doing. But thanks to being a coward, plus a big shot in the arm to anesthetize me, I went through with it and have been sorry every since. My beautiful son was killed—a pilot in the Air Force.

If only I had done some thinking before the operation instead of ever since, I would be a much happier person—I can never for-

give myself. Please help the girls realize the consequences.

NAME WITHHELD.

JUNE 1987.

DEAR SENATOR HUMPHREY: I have had two abortions, one in 1973 when I was 17, and one in 1977 when I was 22. I received absolutely no counseling at either time. Neither the possible physical or emotional side effects were explained. All that was mentioned was that I might bleed a little and to get help if it continued heavy. It was all very clinical. I had no moral training on attitudes concerning abortion. I felt it was my business and my life. I did not see the baby within me as a live human being.

Both times I had tremendous depression afterwards. Also I felt emotionally "numb." I even contemplated suicide. I received psychological counseling after the second abortion for severe depression.

I feel that it is very clear that I had no counseling in this matter. I was not warned about the after effects. I had a miscarriage after each abortion. No one told me of the possible consequences.

Please continue to fight for legislation concerning informed consent.

I. MILLER.

JUNE 1987.

DEAR SENATOR GORDON HUMPHREY: I am 37 years old and obtained an abortion in 1968. I was only 18 and could not foresee the emotional pain that I have suffered. I had a complete nervous breakdown 14 years later.

I received no type of counseling before or after the abortion. I married the boy and have since had two beautiful girls by him. We have been married for 17 years and we both still suffer from terrible guilt.

I feel this is an opportunity to help others. Please use this letter, it will surely make me feel happy to at least try to help other women who will face this traumatic experience.

Sincerely,

B.J. FROM MONTANA.[1]

UKRAINIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, January 22 marked the 70th anniversary of a 3-year period of independence in the Ukraine. In this time of glasnost and improved relations between the United States and the Soviet Union, it is appropriate to remember that the sovereign Ukrainian National Republic thrived from 1918 to 1921, and to renew our commitment to the struggle for freedom in the Ukraine.

Since Congress joined in solidarity with the people of the Ukraine to celebrate this important day last year, some positive changes have occurred in the Soviet Union. Changes which have kept the hope for freedom alive in the hearts of the Ukrainians and their loved ones in the United States.

While the long overdue changes we witnessed last year were welcomed, they did not go far enough. Despite all the talk about glasnost, the Soviets have not made enough progress in the area of human rights. Still, the Soviets deny their citizens fundamental rights guaranteed in the Helsinki accords, the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights. Religious freedoms are still severely restricted in the Ukraine. Ukrainians still languish in Soviet prisons for expressing their political and religious beliefs. And Russification of Ukrainian schools is still prevalent.

We must remember the plight of the Ukrainians today and every day. The struggle for freedom in the Ukraine must continue to be our struggle. And we must continue to remind the Soviet Union on all occasions that improvement in human rights will go a long way in improving relations between our two countries.

I hope my colleagues will join me in the struggle for freedom in the Soviet Union so that the Ukrainian dream of freedom will soon be realized.●

BALANCED BUDGET AMENDMENT AND A CONSTITUENT LETTER ON THE BUDGET DEFICIT

● Mr. DECONCINI. Mr. President, once again I come before this body to discuss one of the most presssing problems facing our Nation. I am speaking about the huge Federal budget deficit.

The figures bantered about are mind-boggling: 25 of the last 26 years, and 48 of the last 56 years there has been a Federal deficit. The last 10 years the deficit has exceeded $50 billion; the deficit reduction package passed in December will leave a deficit of $140 billion—$140 billion.

We in the U.S. Senate can not continue to hide our heads in the sand. History has proven that the problem will not take care of itself.

Mr. President, recently I received a letter from two of my Arizona constituents—William and Ann Moore of Tucson. If any of my colleagues thinks the citizenry of this country is unaware of the degree of the problem caused by the deficit, this letter would suggest otherwise.

Mr. President, at this time I would like to read the Moore's letter into the RECORD.

An Open Letter to the U.S. Congress and President Reagan:

We are writing this letter out of frustration and anger and we believe these feelings to be shared by tens of millions of Americans.

During the past several years we have watched in utter amazement the federal budget deficit increase the national debt to proportions that if not reversed will change forever the economic hopes of future generations as we have known them.

You have been elected by the people to protect our economic freedom and security for which we have all worked so hard, for which millions have died and you are not carrying out that responsibility.

Our constitution provides you with open ended spending regardless of the national income and further gives you the power to increase the debt ceiling when you find yourselves running out of credit, leaving we the people as the debtors.

If you think you are above having to answer to us for your selfishness and if you think we do not care—You are wrong.

If you think the American people are not watching and not listening to your every word and not understanding the terrible economic position in which you are putting us—You are wrong.

If you think the budget cutting package where almost one half the cuts are generated by higher taxes and the selling of government owned assets shows great political courage, hard work and leadership—You are wrong.

If you think a meaningful budget cutting package can be achieved by not including entitlements and social security and if you think that the majority of entitlement and social security recipients do not want to help achieve a balanced budget—in order to insure the very future of entitlement programs—You are wrong.

If you think that current low inflation, low interest rates and increased gross national product means that everything is fine and we are not headed for economic paralysis—You are wrong.

If you think we are not close to losing our ability to correct our own economy from within our own borders—You are wrong.

If you think, based on your spending habits and resulting accelerating national debt obligations, we would not be facing the possibility of 400 billion dollar annual deficits should we enter a strong recession—You are wrong.

Make no mistake—The budget cutting decisions that are made during the next few weeks will be some of the most important decisions any of you will make while holding an elected office. Perhaps that's the problem. No real courage to face up to the problems of our country because you want to be elected or re-elected.

Therein lies the fallacy—For the American people will surely fill future elected positions with those who put the national interest first.

WILLIAM B. AND ANN LAURIE MOORE.

Since my first days in the Senate I have worked for the passage of a balanced budget amendment to the Constitution. Last June 1, along with my distinguished colleagues, Senator HATCH and Senator PROXMIRE, introduced Senate Joint Resolution 161, calling for the balancing of the Federal budget as a step in the right direction, addressing the Federal deficit issue.

Today, I again urge that those of my colleagues who have not joined the fight, do so, and become cosponsors of Senate Joint Resolution 161. It is my hope that hearings on this and other balanced budget amendments can be scheduled in the near future, and that the Senate will give this issue the attention it demands and deserves.

As Mr. and Mrs. Moore have so well stated:

[We] have been elected to protect * * * economic freedom and security, * * * and [we] are not carrying out that responsibility.

Mr. President, I assert that the time for us to assume our responsibility is upon us.●

THE TRAGEDY OF ABORTION

● Mr. GARN. Mr. President, last Friday, you could look out the windows of any of our Senate offices to see tens of thousands of people marching up Constitution from the White House to the Supreme Court. These people were expressing their first amendment rights to free speech and assembly. They were here to protest the Supreme Court decision in the infamous Roe versus Wade case that allows abortions to be performed in every State of our Nation for almost any reason.

For 15 years now, we have felt the sad effects of Roe versus Wade. In those 15 years, the lives of millions of unborn children have been destroyed. Tragic as it is, these lives are often taken without a second thought for the child's suffering, for the grief and sorrow often felt afterward by the parents, and, most importantly, for the loss of a potential lifetime.

As you know, there are many who have hoped that the practice of abortion would become common and routine. But controversy about abortion still exists for a number of reasons. Science and the law become more and more entangled as babies survive at earlier and earlier gestation periods. Women are protesting more often and more vocally that they have been victimized by a system promoting a medical procedure that no one wants to talk about. Just give us your money and it will be over soon, doesn't that offer much consolation when a woman finds out later that what was surgically removed had a heartbeat and fingers and toes.

Mr. President, people around the Nation mourn these lives. The strength of those feelings was evident last week as so many people took the time to come to Washington and protest against the horror of abortion.

We should all be saddened that lives are lost and affected daily by abortion. That is why we must find positive and effective means to change direction. Several bills are before Congress that would give us an opportunity to make change. State legislatures continue to fight for ways to monitor the abortion process and regain the jurisdictional rights that were lost to them in 1973.

As we follow these battles in the courts, as we study the bills before us, and as we provide education to our children and families so they will understand the sanctity of human life, we join in the effort to both mourn and protest the loss of lives by abortion.

We know that the abortion issue has not gone away, and that we must keep fighting to protect life. President Reagan, in his State of the Union Address last night, called upon our Nation to end the tragedy of abortion. I am hopeful that we will make progress in that direction this year.●

TRIBUTE TO DON ROGERS

● Mr. GARN. Mr. President, the death last Monday of Donald L. Rogers was a great loss to the banking industry he so ably represented, to those of us in Government who benefitted so much from his objective counsel and to his many friends who knew him to be a man of absolute integrity.

Don grew up in Steubenville, OH, he graduated from Miami University in Oxford, OH, and then from the College of Law at Ohio State University in Columbus.

Don was brought to Washington in 1953 by Ohio Senator John W. Bricker to serve as a staff member on the Senate Banking Committee. While he was hired by a Republican Senator, Don was the principal staffer for both Republican and Democratic committee members on the landmark Bank Holding Company Act of 1956.

Don left the Banking Committee staff in October 1958, to become the first executive director of the Association of Registered Bank Holding Companies. Over the next 30 years, Don built the association into one of Washington's most respected, and he built for himself a reputation for unquestioned ability, honestly, and integrity.

Don was named president of the Association of Bank Holding Companies in 1976, and he continued to serve with distinction in that capacity until the time of his death.

Those of us who knew Don and worked with him will miss him. I join many others in expressing heartfelt sympathy to his treasured wife, Helen.●

MAJOR TRAFFIC DISASTER AVERTED BY QUICK, RESPONSIBLE REACTION

● Mr. PELL. Mr. President, I want to share with my colleagues the good news that quick and responsible actions by an individual citizen, transportation officials, and the Governor of Rhode Island averted a major traffic disaster last week.

Last Thursday night David Spicer, 32, of Providence, RI, spotted a major vertical crack, more than 5 feet long, in a girder supporting the northbound span of an elevated section of Interstate Route 95 in Providence.

After double checking the next morning, he drove to the Rhode Island Department of Transportation headquarters several blocks away to report the problem. The response was immediate and a credit to both the department and Rhode Island Gov. Edward DiPrete.

Only hours after the discovery of the crack, Governor DiPrete and DOT Director Matthew J. Gill met with State and Federal highway experts under the bridge, where the Governor ordered the northbound span of the interstate be closed to traffic.

Traffic was detoured and emergency repairs were made over the weekend, including a massive steel support structure to act as a temporarily butress. The interstate reopened Sunday evening, only 52 hours after it was closed by the Governor's order.

All of us who use Interstate Route 95, a major north-south artery up the east coast, owe a debt of gratitude to Mr. Spicer for his alert observation, to Governor DiPrete for his rapid decision, and to Rhode Island's DOT for their exceptional response.

Mr. President, I ask that an article from the Providence Journal of January 25, 1988, titled "His Chance Glance Averts a Disaster," and from the Providence Journal of January 26, 1988, titled "Placed in Spotlight by Highway Crisis, DOT Hits a Homer," be placed in the CONGRESSIONAL RECORD.

The articles follow:

HIS CHANCE GLANCE AVERTS A DISASTER

(By Brian C. Jones)

PROVIDENCE.—David Spicer, driving under an elevated section of Route 95 Thursday night, happened to glance up at the superstructure of the highway and saw light glinting through what should have been a solid steel girder.

"There is a God in heaven—I didn't have to look up in that direction," Spicer said yesterday after he had returned for a second look, then sped to the State Department of Transportation to report a tear-like crack in the beam.

Within hours, the Department of Transportation would launch a swift, sure-footed counterattack to what could have turned into a disaster for some of the estimated 100,000 motorists who travel Rhode Island's busiest highway daily.

Among the DOT moves:

As soon as State officials saw the seriousness of the crack, they radioed a highway crew, working farther south on Route 95, to move flashing lights and barriers up the highway to close off one right-hand lane.

Even as that was happening, inspectors on a raised, truck-borne platform under the bridge were finding two more cracked beams and radioed directly from the platform to the topside crew to block still another lane.

Meanwhile, DOT director Matthew J. Gill rushed to the muddy, rutted area underneath the bridge that spans Kinsley Avenue, Promenade Street and the Woonasquatucket River, then soon sped off in his large blue car with license plate number 1 to the State House to brief Governor DiPrete.

DiPrete wanted to see for himself, and conferred with a crowd of state and federal highway experts who had gathered under the bridge with traffic rumbling 29 feet above in the lanes that had been left open.

"Is this supposed to be open like that?" DiPrete asked about the jagged cracks. The experts said no. DiPrete looked at his transportation chief and said: "Matt, look, we better close down Route 95 as soon as possible."

Back at DOT headquarters, engineers had pulled out drawings of the bridge and began to design a huge system of girders as a temporary support.

Richard Kalunian, head of bridge design for DOT, working on the repair plan with engineer Richard Swanson, conferred with Aetna Bridge Co. officials—to make sure DOT's design matched the construction materials the company had on hand. Aetna built the bridge in 1964.

Another team of engineers planned detours—and quickly seized on an emergency plan to pen up the still unfinished Francis Street bridge in front of the State House and a new Route 95 northbound entrance ramp in the Capital Center development project.

TALK TO THIS GENTLEMAN

Spicer, whose 32nd birthday is today, said he was in the area of the bridge Thursday night because he had gone to look for a friend whose work took him to the wholesale produce market nearby.

When he couldn't find the friend, Spicer made a U-turn and, for no special reason, looked up at the highway. It was after 5 p.m.

"I was driving slowly and the light shone through the crack," Spicer said. He thought that was odd. At about 9 a.m. yesterday Spicer went back and saw what was plainly a tear in the giant green girder.

"Gee, that's not right," Spicer said to himself, and, remembering the disastrous collapse in 1983 of the Mianus Bridge on the Connecticut Turnpike, he drove to DOT and was directed to the DOT director's office.

Gill happened to step out of his private office, saw Spicer sitting on a couch in the waiting area, and when he learned why he had come, called over to Charles "Ted" Dolan, a top aide who checks on department operations.

"Drop what you're doing, talk to this gentleman," Gill said. Dolan, a retired Pawtucket police captain, is not a bridge inspector. But when he drove with Spicer and saw the split steel, Dolan said: "My heart stopped."

Dolan brought back Polaroid pictures to Gill's office, and soon top experts, including William Carcieri Jr., DOT's chief engineer, were gathered under the bridge. An inspection truck was ordered.

Lifted up by the truck's raised platform to look at the outside girder on the east side of the highway, Carcieri and other experts spotted a smaller crack in an adjacent beam, then radioed the crew above to shut two lanes, not just one.

As the platform was being lowered, the inspectors looked over at the separate, southbound bridge and spotted a crack in one of the four beams on that structure, and radioed more orders topside to close the high-speed lane.

BY THE GRACE OF GOD

Meanwhile, Spicer, who lives at 14 Woodmont St., Providence, had gone back to work at the pest exterminating service Griggs & Browne Co., more sure than ever of deeply-held religious beliefs: "There is a God in heaven, and through God's grace tragedy was avoided."

Roadblocks placed on northbound Route 95 by now had begun to snarl traffic and Spicer himself was trapped in the developing gridlock.

"I got stuck in my own traffic jam today," he laughed.

PLACED IN SPOTLIGHT BY HIGHWAY CRISIS, DOT HITS A HOMER

(By Brian Jones)

By late afternoon Friday, the engineers and other experts at the state Department of Transportation knew that they had hit what, in the mundane world of public works, amounts to a home run, a grand slam.

Only hours after discovery of a crack as high as a small man in a giant girder of downtown Route 95, DOT had moved to protect life and to get traffic moving again.

The result was that what could have been a catastrophic illness for Rhode Island's most important highway, and the more than 100,000 motorists who use it daily, was reduced to a weekend bout with the flu.

But DOT faced one more hurdle.

How was all this going to play with the public? Or to be more specific, how were the media going to present it to the public? Was DOT going to be—as often has happened in the past—criticized, blamed, hammered?

In a "command center" in the office of chief engineer William Carcieri Jr., perhaps 20 officials responsible for the handling of the biggest highway crisis in state history switched on the 6 o'clock news to find out.

And seconds after a Channel 6 reporter began to describe the mammoth traffic jam that occurred after the highway was closed, someone grumbled knowingly: "Nobody's saying what we did right."

DIRECTOR ACTED IMMEDIATELY

This might be a good point to review the remarkable story of what DOT had done right, starting about 10 a.m. Friday, when pest-control worker David Spicer walked into DOT to say he'd seen a big split in a steel beam.

What might have happened—as it probably does in many bureaucratic offices—is that Spicer would have been told to fill out something in triplicate, to come back tomorrow, to go elsewhere, to call back, to get lost.

Instead, Matthew J. Gill, DOT's director, happened to duck out of his office, saw Spicer, asked if he was being helped, then dispatched a top aide, inspector general Charles "Ted" Dolan, to check his story.

Dolan, who inspects department procedures, not bridges, knew right away that something terrible had happened. So did top engineers. So did Gill. So did Governor DiPrete.

Even as state police were blocking the highway, Richard B. Kalunian, DOT's chief of bridge design, and other engineers were designing a structure to shore up the bridge.

Meanwhile, Edmund Parker, chief of the design section, and his colleagues were plotting detours. They seized on an imaginative idea: to press into service a partly built entrance ramp near the Civic Center, to quickly return traffic to Route 95 just after the break.

IN THE PUBLIC EYE

Construction on the structure and detour began immediately and went on for the next 52 hours. Traffic moved slowly. But it moved. Sunday night Route 95 reopened.

When crises arise in our shared public life in America, we turn to what the "authorities" are doing. Often when we find out, it's a disappointment. Not in this case. DOT knew exactly what to do. It did it fast. It did it right.

That was evident to viewers of Channel 6, and of Channels 10 and 12 and to readers of the newspaper.

But as I was watching the glum, tense DOT people watching the news, I felt a twinge of regret that in addition to trying to pull off a public works coup, they should have to worry about critical news stories.

Then I had another thought. That it wasn't the news media that were watching DOT. Ultimately, it was the public. More than 100,000 drivers would be asking questions, making judgments.

A public agency such as DOT is unlike any other enterprise in America, different than most private business. The difference is that the public agency is on the line, it is accountable.

The people who work in these agencies often are underpaid, underappreciated, subject to political pressure, taken for granted, ridiculed as being on the public dole.

But what makes them special is that they are accountable. Accountable when they fall. Accountable when they hit home runs.

But in either case, it's right that they should worry about the public and what the public will think. That's the price of doing something special.●

NATIONAL JAYCEE WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation to elevate public awareness of the U.S. Jaycees. This measure, Senate Joint Resolution 236, already has considerable support on both sides of the aisle. Sponsored by Senators NICKLES, BOREN, and PRESSLER, Senate Joint Resolution 236 designated the week of January 17 as "National Jaycees Week." We all are interested in promoting community improvement programs, which the Jaycees have worked toward since their organization as the "junior citizens" in 1915. They have been known as the U.S. Jaycees since 1965.

The U.S. Jaycees have greatly benefited society through their support of programs on youth development, government affairs, health, safety, and international affairs. Their emphasis on leadership training and civic involvement have encouraged many young Americans to develop to their full potentials.

I am proud to be a cosponsor of this resolution. It is time that the U.S. Jaycees received recognition for their contributions to humanity and efforts to improving man's lives.●

THE CALENDAR

Mr. BYRD. Mr. President, I shall inquire of the distinguished assistant Republican leader, Mr. SIMPSON, if the following calendar orders have been cleared on his side for action: Calendar Orders Nos. 511 and 512.

Mr. SIMPSON. Mr. President, I advise the leader that those have been cleared for passage on this side of the aisle.

Mr. BYRD. I thank my friend.

ORDER TO INDEFINITELY POSTPONE CERTAIN MEASURES

Mr. BYRD. Mr. President, I ask the distinguished Senator if the following calendar orders have been cleared for indefinite postponement on his side: Calendar Orders Nos. 163, 204, 305, 354, 384, 462, 463, 485, and 509.

Mr. SIMPSON. Mr. President, those items have been cleared on our side of the aisle.

Mr. BYRD. Mr. President, I thank my friend.

I ask unanimous consent that all of those calendar orders which have been cleared for indefinite postponement be indefinitely postponed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I move to reconsider that vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 511 and 512 seriatim.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF FRANKFORT NATIONAL FISH HATCHERY

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1143) to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. CONVEYANCE OF FISH HATCHERY TO THE COMMONWEALTH OF KENTUCKY.

Notwithstanding any other provision of law and within 180 days of the date of enactment of this Act, the Secretary of the Interior shall convey, without reimbursement, to the Commonwealth of Kentucky, all of the right, title, and interest, including the water rights, of the United States in and to the fish hatchery property located approximately 14 miles due north of the city of Frankfort in Franklin County, Kentucky and known as the Frankfort National Fish Hatchery, consisting of 114.2 acres, more or less, of land together with any improvements and related personal property thereon. The property conveyed by this Act shall be used by the Kentucky Department of Fish and Wildlife Resources as a part of the Kentucky fishery resources management program and if it is used for any other purpose, title to such property shall revert to the United States.

SEC. 2. CONVEYANCE OF FISH HATCHERY TO THE STATE OF NEW HAMPSHIRE.

Notwithstanding any other provision of law, the Secretary of the Interior shall convey, without reimbursement, to the State of New Hampshire no later than December 31, 1987, all of the right, title, and interest of the United States in and to those improvements and related personal property under the Secretary's jurisdiction, including buildings, structures and equipment, associated with the United States' facility known as the Berlin National Fish Hatchery and located in the northwest corner of Berlin township, Coos County, New Hampshire. The improvements and related personal property conveyed shall be used by the New Hamsphire Fish and Game Department as a part of the New Hamsphire fishery resources management program and if they are used for any other purpose, title to such property shall revert to the United States.

SEC. 3. CONVEYANCE OF FISH HATCHERY TO THE STATE OF WISCONSIN.

Notwithstanding any other provision of law and within 180 days of the date of enactment of this Act, the Secretary of the Interior shall convey, without rembursement, to the State of Wisconsin, all of the right, title, and interest, including the easements and water rights, of the United States in and to the fish hatchery property located in the Town of Lake Mills, Wisconsin, and known as the Lake Mills National Fish Hatchery, consisting of the land together with any improvements and related personal property thereon. The property conveyed by this Act shall be used by the Wisconsin Department of Natural Resources as a part of the Wisconsin fishery resources management program and if it is used for any other purpose, title to such property shall revert to the United States.

The PRESIDING OFFICER. Are there further amendments to the bill? If not, the question is on agreeing to the substitute amendment.

The substitute amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for the conveyance of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, and for other purposes".

ADDITION OF LANDS TO KILAUEA NATIONAL WILDLIFE REFUGE

The PRESIDING OFFICER. The clerk will state the next bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1193) to add additional lands to the Kilauea Point Wildlife Refuge on Kauai, Hawaii.

The Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works with an amendment.

On page 2, line 22, strike "$8,000,000", and insert in lieu thereof "$4,000,000".

So as to make the bill read:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL LANDS.

(a) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire certain additional lands adjacent to the Kilauea Point Wildlife Refuge on Kauai, Hawaii, which shall become part of the Kilauea Point Wildlife Refuge upon acquisition by the Secretary.

(b) DESCRIPTION OF LANDS.—The lands to be acquired pursuant to subsection (a) are—

(1) Crater Hill, comprising approximately 101.1 acres; and

(2) Mokolea Point, comprising 37.6 acres.

SEC. 2. CONSTRUCTION OF ACCESS FOOT PATH.

Upon acquisition of the lands described in section 1, the Secretary of the Interior shall construct and maintain a fence and access foot trails through such lands in order to provide wildlife protection and public access to such lands. Any trails constructed pursuant to this section shall be constructed in a manner consistent with preserving the wild and scenic beauty of the wildlife refuge.

SEC. 3. AUTHORIZATION OF FUNDING

There is hereby authorized to be appropriated to the Secretary of the Interior $4,000,000 to be used to acquire lands and construct trails pursuant to the provisions of this Act.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1193) was passed.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order to move to reconsider the action on the two bills en bloc and I ask unanimous consent that the motions to reconsider be laid on the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from Amendments to Regulations 47 and 48 of Annex II of the 1966 International Convention on Load Lines (Treaty Document No. 100-12), transmitted to the Senate today by the President of the United States.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate with a view to acceptance by the United States, amendments to regulations 47 and 48 of Annex II of the International Convention on Load Lines, 1966. The report of the Department of State is also transmitted for the information of the Senate in connection with its consideration of these amendments.

The International Convention on Load Lines establishes uniform princi-

ples governing the safe loading of ships on international voyages. The annexes, which form an integral part of the Convention, embody the regulations for determining the location of ships' load lines. The annexes also divide the world's oceans into regions in which particular load lines must be observed depending on the season of the year in which the vessels operate. The amendments to regulations 47 and 48 of the Convention, proposed by the Government of Chile, would redefine the boundaries of the seasonal zones intersecting the coast of Chile. The effect would be to extend the tropical and summer zones toward the south to the advantage of both the Chilean coastal trade and visiting foreign trade.

I believe that the proposed amendments will not be detrimental to United States shipping and should be accepted. I recommend that the Senate give early and favorable consideration to these amendments, and give advice and consent to their acceptance by the United States.

RONALD REAGAN.

THE WHITE HOUSE, *January 26, 1988.*

ORDERS FOR WEDNESDAY, JANUARY 27, 1988

ADJOURNMENT UNTIL 9 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO MOTIONS OR RESOLUTIONS OVER UNDER THE RULE COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no motions or resolutions over under the rule come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE CALENDAR WAIVED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized on tomorrow under the standing order, there be a period for morning business not to extend beyond 9:30 a.m. and that Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUMPTION OF THE PENDING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that at 9:30 a.m., the Senate resume consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, it would be my plan at 9:30 a.m. tomorrow to suggest the absence of a quorum at 9:30 a.m. I will move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I will ask for the yeas and nays on the motion. The yeas and nays being granted, that will be a rollcall vote and the call for regular order will be automatic. I ask unanimous consent that the call for regular order be automatic at the end of the 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This means, then, that there will be a rollcall vote at 9:30 tomorrow morning and, upon the conclusion of that vote, the Senate will have already resumed consideration of the pending business and it will resume consideration. I anticipate other rollcall votes early and during the day and throughout the day tomorrow until such hour as the business is completed or debate and action on amendments have run their course.

Mr. President, I inquire of my good friend and colleague, Mr. SIMPSON, as to whether or not he has any further business that he would like to see transacted or any further statement he would wish to make?

Mr. SIMPSON. Mr. President, I thank the majority leader. I would simply report back that during our policy lunch today, our caucus, that we expressed the necessity that you had impressed upon us of meeting the rollcall votes; that the time will be strictly adhered to.

I think that colleagues are aware of that, the 15 minutes, and the necessity for meeting that in this new session and that has been expressed and the importance of that. I appreciate the accommodation to realize weather conditions and those things, as you have expressed, and the 30-minute time for the vote to assure our attendance so we might proceed with our business. We do appreciate that.

Mr. BYRD. Mr. President, I thank my good friend.

ADJOURNMENT UNTIL TOMORROW AT 9:00 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9 o'clock tomorrow morning.

The motion was agreed to, and the Senate, at 6:30 p.m., adjourned until Wednesday, January 27, 1988, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1988:

DEPARTMENT OF STATE

EUGENE J. MCALLISTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE DOUGLAS W. MCMINN, RESIGNED.

CHESTER E. NORRIS, JR., OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

EDWARD MORGAN ROWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSSADOR AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

L. FRANCIS BOUCHEY, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM OF 6 YEARS, NEW POSITION.

DEPARTMENT OF DEFENSE

JACK KATZEN, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ROBERT B. COSTELLO.

DEPARTMENT OF JUSTICE

ROGER J. MARZULLA, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HENRY HABICHT II, RESIGNED.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

CAROL PENDAS WHITTEN, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT FOR A TERM EXPIRING SEPTEMBER 30, 1990, VICE PENNY PULLEN, TERM EXPIRED.

U.S. INTERNATIONAL TRADE COMMISSION

DON E. NEWQUIST, OF TEXAS, TO BE MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 16, 1988, VICE SUSAN WITTENBERG LIEBELER.

RONALD A. CASS, OF MASSACHUSETTS, TO BE A MEMBER OF THE U.S. INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 1996, VICE PAULA STERN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

RICHARD L. BARNES, OF VIRGINIA.
JOHN M. BESHOAR, OF MARYLAND.

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE AS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DAVID M. SCHOONOVER, OF VIRGINIA.

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN A. SANBRAILO, OF CALIFORNIA.
ROY ADDISON STACY, OF CALIFORNIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JAMES MICHAEL ANDERSON, OF MARYLAND.
PETER BENEDICT, OF VIRGINIA.
GEORGE CARNER, OF CALIFORNIA.
DAVID ALAN COHEN, OF NEW JERSEY.
JOHN ALEXANDER PATTERSON, OF RHODE ISLAND.
STEVEN WILLIAM SINDING, OF CALIFORNIA.
JOHN R. WESTLEY, OF THE DISTRICT OF COLUMBIA.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND COUNSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE APPOINTMENTS, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PHILLIP R. AMOS, OF TEXAS.
ROBERT JOSEPH ASSELIN, JR., OF CALIFORNIA.
RICHARD BURKE, OF VIRGINIA.
ROSS CALVIN COGGINS, OF TEXAS.
JOHN PETER COMPETELLO, OF FLORIDA.
JOHN R. DAVISON, OF MARYLAND.
EDWARD A. DRAGON, OF CALIFORNIA.
JOHN J. DUMM, OF VIRGINIA.
WILLIAM B. ERDAHL, OF CALIFORNIA.
DOUGLAS S. FRANKLIN, OF TEXAS.
JOSEPH B. GOODWIN, OF MISSOURI.
LEE R. HOUGEN, OF MISSOURI.
HELENE KAUFMAN, OF THE DISTRICT OF COLUMBIA.
JAMES ALEXANDER LEO, OF TEXAS.
ROBERT M. LESTER, OF NEW YORK.
RICHARD BERNARD NELSON, OF VIRIGNIA.
PAUL J. O'FARRELL, OF MARYLAND.
EDWARD J. PLOCH, OF VIRGINIA.
CHRISTINA HUSSEY SCHOUX, OF CALIFORNIA.
PAUL M. SCOTT, OF VIRGINIA.
J. C. STANFORD, OF FLORIDA.
WILBUR GENE THOMAS, OF OKLAHOMA.
GEORGE A. WACHTENHEIM, OF FLORIDA.
STEPHEN C. WINGERT, OF CALIFORNIA.

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARGARET PURDIE BONNER, OF TEXAS.
STEPHEN P. FRENCH, OF VIRGINIA.
MICHAEL FRANCIS LUKOMSKI, OF VIRGINIA.
KENNETH ARTHUR PRUSSNER, OF VIRGINIA.
ROBERT BRUCE RICHARDSON, OF NEW YORK.
EDWARD J. SPRIGGS, JR., OF MARYLAND.
F. GARY TOWERY, OF VIRGINIA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

LT. GEN. HARLEY A. HUGHES, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL J. DUGAN, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

LT. GEN. JAMES P. MCCARTHY, xxx-xx-xxxx FR, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, TO BE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ELLIE G. SHULER, JR., xxx-xx-xxxx FR, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS N. GRIFFIN, JR. xxx-xx-xxxx, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601(A), IN CONJUNCTION WITH ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY DESIGNATED BY THE PRESIDENT UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS W. KELLY, xxx-xx-xxxx U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 5044.

To be general

JOSEPH J. WENT xxx-xx-xxxx, U.S. MARINE CORPS.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

CARL E. MUNDY, JR., xxx-xx-xxxx U.S. MARINE CORPS.

THE FOLLOWING-NAMED BRIGADIER GENERALS OF THE MARINE CORPS FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

MICHAEL K. SHERIDAN
ROBERT J. WINGLASS
MICHAEL P. SULLIVAN
JARVIS D. LYNCH, JR.
RONALD L. BECKWITH
ROSS S. PLASTERER
MATTHEW T. COOPER
HENRY C. STACKPOLE III
JOHN S. GRINALDS

IN THE NAVY

THE FOLLOWING-NAMED CAPTAINS IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE FOR REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS (2100)

HAROLD MARTIN KOENIG

SUPPLY CORPS (3104)

JAMES ALAN MOGART
EDWARD MCCOWN STRAW
HARVEY DONALD WEATHERSON

CHAPLAIN CORPS (4100)

DAVID EDWARD WHITE

CIVIL ENGINEER CORPS (5104)

ALAN KENT RIFFEY

DENTAL CORPS (2200)

RONALD PRESCOTT MORSE

MEDICAL SERVICE CORPS (2300)

CHARLES RAY LOAR

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATES FOLLOW SERIAL NUMBERS):

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. RANDALL M. ANDERSON, xxx-xx-xxxx 10/17/87
MAJ. JOAHN V. BARTON, xxx-xx-xxxx 10/14/87
MAJ. THOMAS W. BATTERMAN, xxx-xx-xxxx 10/3/87
MAJ. FORREST C. CLARK, xxx-xx-xxxx 9/11/87
MAJ. THOMAS M. COOK, xxx-xx-xxxx 8/15/87
MAJ. WILLARD G. DELLICKER, xxx-xx-xxxx 8/24/87
MAJ. STEVEN R. DOOHEN, xxx-xx-xxxx 10/3/87
MAJ. JOHN F. FLANAGAN, xxx-xx-xxxx 9/14/87
MAJ. MARK P. MEYER, xxx-xx-xxxx 9/20/87
MAJ. JOHN A. PRATT, xxx-xx-xxxx 10/7/87
MAJ. ROBERT C. ROLL, xxx-xx-xxxx 10/16/87
MAJ. JAMES SCUTTINA, xxx-xx-xxxx 9/15/87
MAJ. JOHN R. STRIFERT, xxx-xx-xxxx 10/3/87
MAJ. EDWARD I. WEXLER, xxx-xx-xxxx 9/20/87
MAJ. CHARLES R. YOUNG II, xxx-xx-xxxx 9/13/87

LEGAL CORPS

To be lieutenant colonel

MAJ. JAMES R. WALTI, xxx-xx-xxxx 9/19/87

MEDICAL CORPS

To be lieutenant colonel

MAJ. EDITH P. MITCHELL, xxx-xx-xxxx 10/6/87

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10, OF THE UNITED STATES CODE. (EFFECTIVE DATES FOLLOW SERIAL NUMBERS):

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. MELVIN L. ADAMSON, xxx-xx-xxxx 8/22/87
MAJ. JAMES W. AMASON, xxx-xx-xxxx 9/8/87
MAJ. JOHN D. BIDELMAN, xxx-xx-xxxx 9/13/87
MAJ. RALPH J. CLIFFT, xxx-xx-xxxx 8/22/87
MAJ. JOHN D. DEATON, xxx-xx-xxxx 9/13/87
MAJ. JAMES F. FRANCIS, xxx-xx-xxxx 9/1/87
MAJ. ROBERT B. LEVINE, xxx-xx-xxxx 9/4/87
MAJ. WILLIAM J. LUTZ, xxx-xx-xxxx 9/16/87
MAJ. ROBERT C. MELROSE, xxx-xx-xxxx 8/24/87
MAJ. JAMES D. NELSON, xxx-xx-xxxx 6/1/87
MAJ. ALAN J. OSE, xxx-xx-xxxx 9/12/87
MAJ. STEVEN L. PETTERSEN, xxx-xx-xxxx 9/10/87
MAJ. ERNEST A. PINSON JR., xxx-xx-xxxx 9/12/87
MAJ. EDWARD R. SAIN, xxx-xx-xxxx 8/21/87
MAJ. EDWARD N. STEVENS, xxx-xx-xxxx 8/24/87
MAJ. GLENN B. SYLVEST, xxx-xx-xxxx 8/22/87
MAJ. SIDNEY R. TOLER, xxx-xx-xxxx 8/27/87
MAJ. JOHN A. TRASK JR., xxx-xx-xxxx 7/13/87
MAJ. THOMAS D. WEBSTER, xxx-xx-xxxx 8/4/87
MAJ. MARVIN D. ZOLLMAN, xxx-xx-xxxx 9/19/87

MEDICAL CORPS

To be lieutenant colonel

MAJ. DANIEL E. COLEMAN, xxx-xx-xxxx 7/13/87
MAJ. MICHAEL R. EVANS, xxx-xx-xxxx 8/16/87
MAJ. KEVIN W. OLDEN, xxx-xx-xxxx 9/19/87

DENTAL CORPS

To be lieutenant colonel

MAJ. STEPHEN A. SCHORR, xxx-xx-xxxx 8/6/87

IN THE ARMY

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 3353:

MEDICAL CORPS

To be colonel

FLORENTINO V. ALABANZA, xxx-xx-xxxx
HERMAN V. BARNES, xxx-xx-xxxx
THOMAS S. J. BERGER, xxx-xx-xxxx
MURRAY J. CASEY, xxx-xx-xxxx
RAYMOND L. KERCHER, xxx-xx-xxxx
EDWARD S. LINDSEY, xxx-xx-xxxx
MONTE S. MELTZER, xxx-xx-xxxx
JOSEPH H. NELSON, xxx-xx-xxxx
RICHARD W. PERRY, xxx-xx-xxxx
RICHARD D. SCHULTZ, xxx-xx-xxxx

To be lieutenant colonel

JOHN A. BIZAL, xxx-xx-xxxx
GEORGE R. BUCKUN, xxx-xx-xxxx
JOSE E. CARDELL, xxx-xx-xxxx
PETER B. COLLIS, xxx-xx-xxxx
GARY D. DAVIS, xxx-xx-xxxx
REID R. HEFFNER, JR., xxx-xx-xxxx
BRACE L. HINTZ, xxx-xx-xxxx
JONATHAN H. HORNE, xxx-xx-xxxx
GEORGE S. LAKNER, xxx-xx-xxxx
ROSEWELL T. LOWRY, xxx-xx-xxxx
WITIZA P. MARQUEZ, xxx-xx-xxxx
NAGBHUSHAN S. RAO, xxx-xx-xxxx
ROBERT D. VALLION, xxx-xx-xxxx
GEORGE E. VOLK, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3370:

ARMY PROMOTION LIST

To be colonel

HENRY H. GORDON, xxx-xx-xxxx
JOSE M. LEDESMA, xxx-xx-xxxx
EDWARD L. PERRY, xxx-xx-xxxx
RON SCHWACHENWALD, xxx-xx-xxxx

MEDICAL CORPS

To be colonel

CARL W. GRAVES, xxx-xx-xxxx
MICHAEL NORRIS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

WILLIAM H. KALB, xxx-xx-xxxx
JAMES RICHARDS, xxx-xx-xxxx

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

CHARLES W. BROWN, xxx-xx-xxxx
EDWARD J. GIERING, xxx-xx-xxxx
JOHN R. MCCLARREN, xxx-xx-xxxx
JAMES N. MEADE, xxx-xx-xxxx
JOSEPH S. MROZ, xxx-xx-xxxx
JOSEPH W. NOBLE, xxx-xx-xxxx
LARRY I. PARK, xxx-xx-xxxx
GENE J. RICHARDS, xxx-xx-xxxx
CECIL D. VINEYARD, xxx-xx-xxxx
THOMAS E. WILLIAMS, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

MARY L. SMITH, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

PABLO LOMANGCOLOB, xxx-xx-xxxx
FARHAD MOATAMED, xxx-xx-xxxx
Y. BARALT PASCUALT, xxx-xx-xxxx
ROB. R. ROTH, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

STEPHEN MONTGOMERY, xxx-xx-xxxx
CECIL G. NEWSOME, xxx-xx-xxxx
MAXWELL L. WARREN, xxx-xx-xxxx

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. ARMY IN ACCORDANCE WITH THE APPROPRIATE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

ARMY NURSE CORPS

To be lieutenant colonel

MARY J. HEGER, xxx-xx-xxxx
DIANE M. HULSEY, xxx-xx-xxxx

To be major

DEBORAH D. WARNER, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

CHARLES F. FERRIS, xxx-xx-xxxx
STEPHEN C. FLETCHER, xxx-xx-xxxx

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 2107:

ROBERT M. BRASSAW, xx...
MICHAEL J. MACLANE, xx...
ROBERT L. PYLES, xx...
ROBERT L. ROUSE, xx...
ANTONIO B. SMITH, xx...

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE SECTION 531:

BRUCE A. DANIEL, xx...
MATTHEW P. HOWELL, xx...
DWIGHT D. JENKINS, xx...
KENNETH L. LARSON, xx...
PAUL J. LEDBETTER, xx...
CULLIN L. LUMPKINS, xx...
DWAYNE E. MEREDITH, xx...
GRANT K. POE, xx...
MICHAEL M. SCHMIDT, xx...
JOSEPH SPAIR, xx...

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTION 307, TITLE 32, UNITED STATES CODE, AND SECTIONS 8363 AND 593, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JOHN O. AHNERT, JR., xxx-xx-xxxx
DAVID R. ANSPAUCH, xxx-xx-xxxx
GEORGE C. ARVANETAKI, xxx-xx-xxxx
BRIAN C. BADE, xxx-xx-xxxx
JULIAN F. BATES, xxx-xx-xxxx
RONALD E. BLACKMORE, xxx-xx-xxxx
CECIL G. BRENDLE, xxx-xx-xxxx
GARY A. BREWINGTON, xxx-xx-xxxx
NORMAN D. BROCHU, xxx-xx-xxxx
GEORGE D. BROOKS, xxx-xx-xxxx
JAMES C. BURDICK, xxx-xx-xxxx
JOHN C. CHESTER, xxx-xx-xxxx
ERNEST S. CLARK, xxx-xx-xxxx
JOHN J. CRAWFORD, JR., xxx-xx-xxxx
DAVIS H. CRENSHAW, xxx-xx-xxxx
GARY R. DUPLISSEY, xxx-xx-xxxx
EDWARD A. I. FACEY, II, xxx-xx-xxxx
FREDERICK D. FEINSTEIN, xxx-xx-xxxx
WILLIAM L. FLESHMAN, xxx-xx-xxxx
FREDERICK H. FORSTER, xxx-xx-xxxx
WILLIAM M. FOX, xxx-xx-xxxx
HENRY R. GODSEY, xxx-xx-xxxx
EDWARD L. GRACE, xxx-xx-xxxx
JOEL F. GRASSE, xxx-xx-xxxx
DAVID B. HILL, JR., xxx-xx-xxxx
CURTIS P. JONES, xxx-xx-xxxx
GARY E. KAISER, xxx-xx-xxxx
STEPHEN G. KEARNEY, xxx-xx-xxxx
GEORGE W. KEEFE, xxx-xx-xxxx
RALPH L. KENNEDY, xxx-xx-xxxx
KEITH H. KEPPEN, xxx-xx-xxxx
RAYMOND T. KLOSOWSKI, xxx-xx-xxxx
WILLIAM D. LACKEY, xxx-xx-xxxx
FRED N. LARSON, xxx-xx-xxxx
LARRY D. LESSLY, xxx-xx-xxxx
LAWRENCE A. MACIARIELLO, xxx-xx-xxxx
CLINTON D. MAGSAMEN, JR., xxx-xx-xxxx
RONALD H. MARTINSON, xxx-xx-xxxx
LAWRENCE J. MCCARTHY, xxx-xx-xxxx
KENNETH W. MCGILL, xxx-xx-xxxx
MICHAEL D. MCILHON, xxx-xx-xxxx
JAMES MCINTOSH, xxx-xx-xxxx
THOMAS J. MONFORTE, JR., xxx-xx-xxxx
AUTRY N. NOBLITT, xxx-xx-xxxx
HUGH C. NORRIS, JR., xxx-xx-xxxx
C. D. PAYNE, xxx-xx-xxxx
JAMES L. PIERCE, xxx-xx-xxxx
RICHARD G. PORTER, xxx-xx-xxxx
JOHN F. ROSENBURG, xxx-xx-xxxx
RONALD S. ROSSON, xxx-xx-xxxx
DOUGLAS B. ROUTT, xxx-xx-xxxx
JOHN L. RUPPEL, JR., xxx-xx-xxxx
JOSEPH J. SADOWSKI, xxx-xx-xxxx
DAVID I. SANDERSON, II, xxx-xx-xxxx
EUGENE A. SCHMITZ, xxx-xx-xxxx
LORAN C. SCHNAIDT, xxx-xx-xxxx
DOUGLAS J. SCOTT, xxx-xx-xxxx
JAMES P. SCOTT, II, xxx-xx-xxxx
HILLIARD W. SHEPHERD, JR., xxx-xx-xxxx
JOHN H. SMITH, xxx-xx-xxxx
WILLIAM T. SPARKS, xxx-xx-xxxx
HERBERT J. SPIER, JR., xxx-xx-xxxx
JERRY L. STELLNER, xxx-xx-xxxx
JOE T. STROW, xxx-xx-xxxx
PRESTON M. TAYLOR, JR., xxx-xx-xxxx
JOHN C. TIMMERMAN, JR., xxx-xx-xxxx
THOMAS M. VADNAIS, xxx-xx-xxxx
JAMES W. VANSCYOC, xxx-xx-xxxx
RUDOLPH VENTRESCA, xxx-xx-xxxx
ANTHONY C. VOLANTE, xxx-xx-xxxx
JOHN H. WAYERT, JR., xxx-xx-xxxx
GALE O. WESTBURG, xxx-xx-xxxx
JERRY W. WHITMAN, xxx-xx-xxxx
DELL R. WIGHTMAN, xxx-xx-xxxx
JOHN S. WILKINSON, xxx-xx-xxxx
JIMMIE L. WINDERS, xxx-xx-xxxx

CHAPLAIN CORPS

WILLIAM H. BRIDGES, xxx-xx-xxxx
PHILLIP L. TILLMAN, xxx-xx-xxxx

DENTAL CORPS

JEROME E. FISHER, xxx-xx-xxxx
JOSEPH T. ROBERTS, xxx-xx-xxxx
RONALD C. SZARLAN, xxx-xx-xxxx

JUDGE ADVOCATE

STEPHEN L. GALLAGHER, JR., xxx-xx-xxxx
DENNIS T. GUISE, xxx-xx-xxxx
ROBERT F. HOWARTH, JR., xxx-xx-xxxx
TIMOTHY J. LOWENBERG, xxx-xx-xxxx

MEDICAL CORPS

JAMES C. KIZZIAR, xxx-xx-xxxx
STEPHEN M. KRANZ, xxx-xx-xxxx
JOSEPH M. LONG, xxx-xx-xxxx
WILLIAM T. ONGLINGSWAN, xxx-xx-xxxx
RAVINDRA F. SHAH, xxx-xx-xxxx
RICHARD G. SPINDLER, xxx-xx-xxxx
ARTHUR W. SPIRO, xxx-xx-xxxx
WILLIAM M. WELLS, xxx-xx-xxxx

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF SECTIONS 593, 8362 AND 8371, TITLE 10, UNITED STATES CODE.

LINE OF THE AIR FORCE

To be colonel

JAMES R. ANNIS, xxx-xx-xxxx
ERNEST R. ARTERBURN, xxx-xx-xxxx
PHILLIP N. ASHBAKER, xxx-xx-xxxx
BOYD L. ASHCRAFT, xxx-xx-xxxx
GEORGE E. BAHAM, xxx-xx-xxxx
ROBERT L. BAILEY, xxx-xx-xxxx
WILLIAM R. BAKER, xxx-xx-xxxx
JAMES D. BANKERS, xxx-xx-xxxx
WILLIAM G. BARNSON, xxx-xx-xxxx
STANLEY H. BARTON, xxx-xx-xxxx
JOHN J. BATBIE, JR., xxx-xx-xxxx
ERWIN P. BECKER, xxx-xx-xxxx
GARY C. BERENSEN, xxx-xx-xxxx
PAUL B. BERMINGHAM, xxx-xx-xxxx
JOHN C. BLACKMAR, xxx-xx-xxxx
LANCE D. BLEAKLEY, xxx-xx-xxxx
BERNARD W. BOGUSH, xxx-xx-xxxx
PETER E. BOGY, xxx-xx-xxxx
ROBERT C. BOWMAN, xxx-xx-xxxx
DENE R. BOYD, xxx-xx-xxxx
JOHN A. BRADLEY, xxx-xx-xxxx
FREDRICK G. BREWER, xxx-xx-xxxx
LARRY D. BROCK, xxx-xx-xxxx
CHARLES T. BRODNAX, xxx-xx-xxxx
JEROLD E. BUDINOFF, xxx-xx-xxxx
MARTIN J. BYRNE, xxx-xx-xxxx
LYLBURN S. CAGLE, JR., xxx-xx-xxxx
JOHN S. CARLSEN, xxx-xx-xxxx
RUBYEN M. CHAMBLESS, JR., xxx-xx-xxxx
FRANCES L. CILIBERTI, xxx-xx-xxxx
ROGER C. CLAPP, xxx-xx-xxxx
GEORGE B. CLIFFORD, xxx-xx-xxxx
ELMER E. COCHRAN, JR., xxx-xx-xxxx
CLIFFORD A. COLE, xxx-xx-xxxx
HOWARD L. CONKLIN, xxx-xx-xxxx
DAVID W. COOPER, xxx-xx-xxxx
JERRY A. CORNWELL, xxx-xx-xxxx
DAVID B. CORY, xxx-xx-xxxx
JAMES J. CROWLING, JR., xxx-xx-xxxx
DONALD M. DALTON, xxx-xx-xxxx
ROBERT S. DARDEN, xxx-xx-xxxx
EDWIN G. DAVISON, JR., xxx-xx-xxxx
CHARLES S. DEE, xxx-xx-xxxx
DAVID A. DEES, xxx-xx-xxxx
RICHARD F. DEMONG, xxx-xx-xxxx
ALOYSIUS J. DIETRICH, xxx-xx-xxxx
ROBERT E. DORROUGH, JR., xxx-xx-xxxx
ROBERT G. ELLIOT, xxx-xx-xxxx
DENNIS J. ELLITHORPE, xxx-xx-xxxx
GERALD W. ESTEPP, xxx-xx-xxxx
TOMMY D. EVANS, xxx-xx-xxxx
GEORGE B. EVEREST, xxx-xx-xxxx
WILLIAM G. FERGUSON, xxx-xx-xxxx
FREDRIC R. FLOM, xxx-xx-xxxx
JIM L. FOLSOM, xxx-xx-xxxx
LEO H. FOX, xxx-xx-xxxx
THOMAS B. FRANK, xxx-xx-xxxx
JERRY D. GARLAND, xxx-xx-xxxx
JOSEPH M. GATELY, xxx-xx-xxxx
GORDON A. GOLOB, xxx-xx-xxxx
SAMUEL B. GRAVES, xxx-xx-xxxx
NICHOLAS E. GRYNKEWICH, JR., xxx-xx-xxxx
EUGENE L. HAGGERTY, xxx-xx-xxxx
PHILIP J. HALL, xxx-xx-xxxx
JON E. HANNAN, xxx-xx-xxxx
JOHN H. HESLIN, xxx-xx-xxxx
DONALD H. HESSENFLOW, xxx-xx-xxxx
HENRY D. HOFFMAN, III, xxx-xx-xxxx
JOHN L. HOPPER, xxx-xx-xxxx
HENRY B. HUFNAGEL, xxx-xx-xxxx
PATRICK J. HURLEY, xxx-xx-xxxx
STEVEN E. ICARDI, xxx-xx-xxxx
EDWIN B. JELKS, III, xxx-xx-xxxx
WILLIAM D. JENKINS, xxx-xx-xxxx
GLEN F. JEPSEN, xxx-xx-xxxx
JAY A. JOHNSON, xxx-xx-xxxx
CHARLES S. JOSLIN, JR., xxx-xx-xxxx
EDWARD E. KIRKPATRICK, xxx-xx-xxxx
ROBERT A. KRELL, xxx-xx-xxxx
HUGO E. KURTZ, xxx-xx-xxxx
JOHN W. LACEY, xxx-xx-xxxx
HARLEY E. LAWRENCE, JR., xxx-xx-xxxx
HAROLD L. LAWRENCE, JR., xxx-xx-xxxx
ALBERT J. LEFKO, xxx-xx-xxxx
DAVID L. LEISING, xxx-xx-xxxx
THOMAS E. LEWIS, JR., xxx-xx-xxxx
FREDERICK W. LINDAHL, xxx-xx-xxxx
HAROLD C. LLOYD, JR., xxx-xx-xxxx
CHARLES J. LOAN, JR., xxx-xx-xxxx
CALVERT B. LYON, xxx-xx-xxxx
DALE S. MANWILLER, xxx-xx-xxxx
WAYNE R. MARKISON, xxx-xx-xxxx
DAVID W. MARTIN, xxx-xx-xxxx
JAMES G. MARTIN, xxx-xx-xxxx
PAUL A. MATTIJETZ, xxx-xx-xxxx
DOUGLAS L. MAY, xxx-xx-xxxx
MICHAEL T. MCANDREWS, xxx-xx-xxxx
EDWARD B. MCDONALD, xxx-xx-xxxx
FRANCIS L. MCDONALD, xxx-xx-xxxx
DAVID M. MILLS, III, xxx-xx-xxxx
HAROLD D. MONLUX, xxx-xx-xxxx
NICHOLAS G. MORGAN, III, xxx-xx-xxxx
MAX J. MUNCH, xxx-xx-xxxx
JOHN T. MURPHY, JR., xxx-xx-xxxx
JOHN A. NEHRING, xxx-xx-xxxx
ROBERT A. NESTER, xxx-xx-xxxx
ROBERT W. NICHELINI, xxx-xx-xxxx
JOHN L. NIDIFFER, xxx-xx-xxxx
REESE R. NIELSEN, xxx-xx-xxxx
PETER M. NOYES, xxx-xx-xxxx
GARY H. OLSON, xxx-xx-xxxx
BERNARD F. OPPEL, xxx-xx-xxxx
JESSE U. OVERALL, IV, xxx-xx-xxxx
MICHAEL A. PARMENTIER, xxx-xx-xxxx
DAVID A. PASERO, xxx-xx-xxxx
JAMES F. PAULS, xxx-xx-xxxx
JAMES M. PETTITT, III, xxx-xx-xxxx
DAVID E. PIERSON, xxx-xx-xxxx
GEORGE J. PILCH, xxx-xx-xxxx
FRANK P. PLAVAN, JR., xxx-xx-xxxx
DENNIS R. POWELL, xxx-xx-xxxx
GEORGE J. PULICELLA, xxx-xx-xxxx
ALBERT M. RANDALL, xxx-xx-xxxx
ROBERT I. RECKER, JR., xxx-xx-xxxx
RONALD E. REIHEL, xxx-xx-xxxx
RENE REIMANN, JR., xxx-xx-xxxx
BOBBY J. REYNOLDS, xxx-xx-xxxx
TERREL D. RICHMOND, xxx-xx-xxxx
ROBERT L. ROBBINS, xxx-xx-xxxx
GLEN G. RUSWINKLE, xxx-xx-xxxx
LARRY C. SCHAAT, xxx-xx-xxxx
CLARK W. SCHADLE, xxx-xx-xxxx
DENNIS R. SCHNORR, xxx-xx-xxxx
PAUL W. SCHOWALTER, xxx-xx-xxxx
ROBERT M. SCHUEHLE, xxx-xx-xxxx
ROGER P. SCHULTZ, xxx-xx-xxxx
ROBERT M. SCOTT, xxx-xx-xxxx
FRANKLYN E. SENFT, xxx-xx-xxxx
VANCE R. SHAW, xxx-xx-xxxx
DAVID S. SIBLEY, xxx-xx-xxxx

JAMES E. SIDEBOTTOM, xxx-xx-xxxx
JOSEPH M. SIMPSON, JR., xxx-xx-xxxx
CONRAD P. SKLADAL, JR., xxx-xx-xxxx
PAUL M. SMITH, xxx-xx-xxxx
NELSON D. SMITTLE, xxx-xx-xxxx
KENNETH E. STAGGS, xxx-xx-xxxx
PAUL K. STEHLIK, xxx-xx-xxxx
ROBERT B. STEPHENS, xxx-xx-xxxx
DONALD B. STOKES, xxx-xx-xxxx
DONALD R. STREAMO, xxx-xx-xxxx
WILLIAM H. SWAN, JR., xxx-xx-xxxx
DAVID E. TANZI, xxx-xx-xxxx
JOHN B. TAPPEN, xxx-xx-xxxx
DAN L. TAYLOR, xxx-xx-xxxx
WILLIAM R. TETER, xxx-xx-xxxx
GEORGE O. THUNE, xxx-xx-xxxx
LUTHER J. TILLMAN, xxx-xx-xxxx
MARY W. TODD, xxx-xx-xxxx
VIRGIL J. TONEY, JR., xxx-xx-xxxx
DAVID J. TROEBER, xxx-xx-xxxx
JAMES L. TURNER, xxx-xx-xxxx
WARREN M. VANDERBURGH, xxx-xx-xxxx
NATHANIEL R. VIVIANS, xxx-xx-xxxx
GARY L. WAMSLEY, xxx-xx-xxxx
TERESA M. WARNIMENT, xxx-xx-xxxx
PHILLIP L. WHITE, xxx-xx-xxxx
EDWIN L. WHITMAN, xxx-xx-xxxx
LEONARD D. WILLIAMS, xxx-xx-xxxx
BASCOMBE J. WILSON, xxx-xx-xxxx
STEPHEN B. WITMER, xxx-xx-xxxx
CARL L. WOMACK, xxx-xx-xxxx
RICHARD H. WOMACK, xxx-xx-xxxx
ROBERT A. YOUNG, xxx-xx-xxxx
KARL F. ZELLER, xxx-xx-xxxx

CHAPLAIN CORPS

To be colonel

COLLUM D. BIRDWELL, xxx-xx-xxxx
DENIS A. DIRSCHERL, xxx-xx-xxxx
JOHN E. GROH, xxx-xx-xxxx
LAURENCE E. KELLEY, xxx-xx-xxxx

DENTAL CORPS

To be colonel

JOSEPH A. ANSELMO, xxx-xx-xxxx
TOBY G. COTHREN, xxx-xx-xxxx
RUSSELL G. EYMAN, xxx-xx-xxxx
LARRY L. LINDENSCHMIDT, xxx-xx-xxxx
BARRY L. MATTHEWS, xxx-xx-xxxx
MICHAEL D. PAREY, xxx-xx-xxxx
LLOYD G. THOMAS, JR., xxx-xx-xxxx

JUDGE ADVOCATE

To be colonel

JAMES F. BREITHAUPT, xxx-xx-xxxx
JAMES C. FETTERMAN, xxx-xx-xxxx
DONALD L. MANNING, xxx-xx-xxxx
ROBERT L. MCHANEY, JR., xxx-xx-xxxx
JOHN D. MCQUAID, JR., xxx-xx-xxxx
RICHARD I. MESH, xxx-xx-xxxx
DAVID B. POYTHRESS, xxx-xx-xxxx
MARLIN D. REID, JR., xxx-xx-xxxx
RALPH J. RODAMAKER, xxx-xx-xxxx
DONALD E. VANMETER, xxx-xx-xxxx
RICHARD K. WALSH, xxx-xx-xxxx
MAXIMILIAN J. WELKER, JR., xxx-xx-xxxx
CHARLES L. WIEST, JR., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

FREDRICK S. ARNOLD, xxx-xx-xxxx
LEWIS W. BARTLES, xxx-xx-xxxx
FRANK P. BONGIORNO, xxx-xx-xxxx
DANIEL D. CHAPMAN, xxx-xx-xxxx
MANUEL V. CORPUS, xxx-xx-xxxx
CLAYTON E. CULBERTSON, xxx-xx-xxxx
JAMES K. DEORIO, xxx-xx-xxxx
JAMES P. DYRUD, xxx-xx-xxxx
CHESTER J. GODELL, xxx-xx-xxxx
CLIO A. HARPER, JR., xxx-xx-xxxx
HARRISON B. KELLER, xxx-xx-xxxx
KARL D. KUNER, xxx-xx-xxxx
ROGER D. MATHEWS, xxx-xx-xxxx
ROBERT E. NAYLOR, xxx-xx-xxxx
MARY J. OSULLIVAN, xxx-xx-xxxx
LOUIS F. OWENS, JR., xxx-xx-xxxx
DANIEL L. ROPER, xxx-xx-xxxx
PHILIP M. SCHMIDT, xxx-xx-xxxx
R. J. BLACK SCHULTZ, xxx-xx-xxxx
WILLIAM R. SEXSON, xxx-xx-xxxx
JEFFREY A. SHANE, xxx-xx-xxxx
JOHN W. SIMMONS, JR., xxx-xx-xxxx
ELIJAH T. SPROLES, III, xxx-xx-xxxx
FREDERIC W. STEARNS, xxx-xx-xxxx
VICENTE TAVAREZ, JR., xxx-xx-xxxx
CHARLES V. TRAMONT, xxx-xx-xxxx
FRANK VIERAS, xxx-xx-xxxx
ROSTON M. WILLIAMSON, xxx-xx-xxxx

NURSE CORPS

To be colonel

BERYL ASBERRY, xxx-xx-xxxx
ALICE M. CARTLEDGE, xxx-xx-xxxx
HELEN L. DULOCK, xxx-xx-xxxx
SANDRA J. FAIRBURN, xxx-xx-xxxx
SHIRLEY A. KELLEY, xxx-xx-xxxx
MARY JANE E. KOCH, xxx-xx-xxxx
BARBARA W. MAKANT, xxx-xx-xxxx
ELEANOR M. NEUWIRTH, xxx-xx-xxxx
CAROLYN R. STONE, xxx-xx-xxxx
PATRICIA V. WARCHOCK, xxx-xx-xxxx
CONSTANCE A. WOODS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

JOSEPH A. CURLEY, xxx-xx-xxxx
WILLIAM E. ELLIS, xxx-xx-xxxx
GARRARD P. KRAMER, xxx-xx-xxxx
SAMUEL A. MORSE, xxx-xx-xxxx
ANTHONY J. SANTARSIERO, xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

To be colonel

MARY A. BAUGHMAN, xxx-xx-xxxx
LEROY J. BRONSTEIN, xxx-xx-xxxx
STEPHAN H. CRAMLET, xxx-xx-xxxx
CHARLES M. SHOFF, xxx-xx-xxxx

IN THE ARMY NATIONAL GUARD

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3385:

ARMY PROMOTION LIST

To be colonel

BEN B. BABIN, xxx-xx-xxxx
CHARLES W. BALLINGTON, xxx-xx-xxxx
FRANK P. BARAN, xxx-xx-xxxx
SANTO L. BONACCORSO, xxx-xx-xxxx
ROGER L. BRILL, xxx-xx-xxxx
THEODORE T. CARLSEN, xxx-xx-xxxx
RANDY L. COCKRUM, xxx-xx-xxxx
THOMAS F. COX, xxx-xx-xxxx
JAMES E. DALTON, xxx-xx-xxxx
LYLE V. FULLER, xxx-xx-xxxx
PAUL G. GEBHARDT, xxx-xx-xxxx
JOSEPH H. GUERREIN, xxx-xx-xxxx
JERALD R. HELGESON, xxx-xx-xxxx
PHILIP G. JACKSON, xxx-xx-xxxx
JOHN W. JONES, JR., xxx-xx-xxxx
JOHN R. KABLITZ, xxx-xx-xxxx
JAMES R. KEYLON, xxx-xx-xxxx
MICHAEL A. KIEFER, xxx-xx-xxxx
DANIEL N. KIRBY, xxx-xx-xxxx
PAUL H. KORECKIS, xxx-xx-xxxx
JIMMY F. LANDRUM, xxx-xx-xxxx
TOMMIE R. LEWIS, xxx-xx-xxxx
GENE LOPRESTE, xxx-xx-xxxx
JEROME A. MARSCHKE, xxx-xx-xxxx
DONALD K. MEETZE, xxx-xx-xxxx
RICHARD J. NAREL, xxx-xx-xxxx
JOE R. REID, xxx-xx-xxxx
GENE R. RILEY, xxx-xx-xxxx
LEE V. RUSSELL, III, xxx-xx-xxxx
RICHARD S. SMALL, xxx-xx-xxxx
JIMMY J. TAYLOR, xxx-xx-xxxx
DAVID M. TUTTLE, xxx-xx-xxxx
ANDREW A. VANORE, JR., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

ROGER T. ARBOGAST, xxx-xx-xxxx
JULIUS H. AVANT, xxx-xx-xxxx
JOHN R. BASEHART, xxx-xx-xxxx
ALVIN C. BLALOCK, III, xxx-xx-xxxx
BRUCE R. BODIN, xxx-xx-xxxx
JAMES R. CARPENTER, xxx-xx-xxxx
PAUL J. CAVISE, JR., xxx-xx-xxxx
HENRY C. CHAPMAN, xxx-xx-xxxx
LAWSON W. DURFEE, xxx-xx-xxxx
CARROLL L. EDGE, xxx-xx-xxxx
STEPHEN L. ELDER, xxx-xx-xxxx
ALAN A. FLETCHER, xxx-xx-xxxx
MICHAEL F. GANTT, xxx-xx-xxxx
JOHN R. GROVES, JR., xxx-xx-xxxx
RICHARD F. HOUSER, xxx-xx-xxxx
CLIFFORD E. KELLER, xxx-xx-xxxx
GARY L. KEYSER, xxx-xx-xxxx
ALEXANDER M. LINDSAY, xxx-xx-xxxx
JEFFREY A. LOZIER, xxx-xx-xxxx
ROBERTO MARREROCORLETO, xxx-xx-xxxx
LARRY E. MATCHETT, xxx-xx-xxxx
MICHAEL J. MCCRORY, xxx-xx-xxxx
JERRY A. MCFARLAND, xxx-xx-xxxx
JAMES T. MILLER, xxx-xx-xxxx
ALFRED T. NEVILL, xxx-xx-xxxx
DWIGHT L. OVERMAN, xxx-xx-xxxx
WALTER PERALESREYES, xxx-xx-xxxx
KENNETH F. PERRY, xxx-xx-xxxx
JOHN G. PHELPS, xxx-xx-xxxx
GERALD D. PURCELL, xxx-xx-xxxx
JAMES B. READING, xxx-xx-xxxx
MICHAEL N. SCHLEUPNER, JR., xxx-xx-xxxx
MANUEL R. SOSA, xxx-xx-xxxx
WILLIAM T. THIELEMANN, xxx-xx-xxxx
KENNETH F. TRUJILLO, xxx-xx-xxxx
CLYDE M. WADSWORTH, xxx-xx-xxxx
BENNETT H. WILLIAMS, xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

DAVID I. ABRAM, xxx-xx-xxxx
EDGAR A. MCDANIEL, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

STEPHEN W. LLOYD, xxx-xx-xxxx
LINDA K. SIMS, xxx-xx-xxxx
BEVERLY E. WRIGHT, xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

ALGIRDAS A. JUOCYS, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL D. STONER, xxx-xx-xxxx